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HANSARD'S PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

37° VICTORIÆ, 1874.

VOL. CCXIX.

COMPRISING THE PERIOD FROM

THE ELEVENTH DAY OF MAY 1874,

TO

THE SIXTEENTH DAY OF JUNE 1874.

Second Volume of the Session.

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Return of any instructions or orders which may have been issued in the year 1873 for calling out the Army Reserve: Also,	
Return of the numbers who answered to such call of such orders or instructions when issued: Also,	
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(1.) £65,153, to complete the sum for Criminal Prosecutions (Ireland).	
(2.) £5,346, to complete the sum for the National Gallery.	
(3.) £1,448, to complete the sum for the National Portrait Gallery.	
(4.) £11,300, to complete the sum for Learned Societies.	
(5.) £8,361, to complete the sum for the University of London.	
(6.) £7,697, to complete the sum for the Endowed Schools Commission.	
(7.) £15,240, to complete the sum for the Scottish Universities.	
(8.) £1,800, to complete the sum for the National Gallery, &c. Scotland.	
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 - (18.) £122, Slave Trade Commission.
 - (19.) £10,830, to complete the sum for Tonnage Duties, &c.
 - (20.) £4,460, to complete the sum for Emigration.
 - (21.) £15,686, to complete the sum for the Treasury Chest.
 - (22.) £359,957, to complete the sum for Superannuation Allowances.—After short debate, *Vote agreed to* 791
 - (23.) £32,238, to complete the sum for the Merchant Seamen's Fund.
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 - (26.) £4,148, to complete the sum for Miscellaneous Charitable and other Allowances, Great Britain.
 - (27.) £4,593, to complete the sum for Miscellaneous Charitable and other Allowances, Ireland.
 - (28.) £19,102, to complete the sum for Salaries and Incidental Expenses of Temporary Commissions.
 - (29.) £2,645, to complete the sum for Oceanic Investigations.
 - (30.) £4,733, to complete the sum for Miscellaneous Expenses.
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LORDS, TUESDAY, JUNE 2.

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LORDS, THURSDAY, JUNE 4.

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"That out of our princely care that the churchmen may do the work which is proper unto them, the bishops and clergy from time to time in convocation, upon their humble desire, shall have license under our Broad Seal to deliberate of and to do all such things as being made plain and assented unto by us shall concern the settled continuance of the doctrine and discipline of the Church of England now established, from which we will not endure any varying or departing in the least degree."	
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Order of the Day for the House to be put into Committee, read	1226
After short debate, <i>Moved</i> , That the House do now resolve itself into a Committee upon the said Bill:—Motion <i>agreed to</i> :—House in Committee accordingly.	
Amendments made; the Report thereof to be received on <i>Monday</i> next; and Bill to be <i>printed</i> , as amended (No. 95.)	
Indian Councils Bill (No. 79)—	
Order of the Day for the House to be put into Committee, read	1259
After short debate, <i>Moved</i> , That the House do now resolve itself into a Committee upon the said Bill:—After further short debate, Motion <i>agreed to</i> :—House in Committee accordingly.	
After short time spent therein, Bill <i>reported</i> , without Amendment; and to be read 3 ^a on <i>Thursday</i> next.	
Public Worship Regulation Bill (Nos. 30-62)—	
House again in Committee (on Re-commitment)	1264
After short time spent therein, House to be again in Committee (on Re-commitment) on <i>Monday</i> next; and Bill to be <i>printed</i> , as amended (No. 96.)	

COMMONS, TUESDAY, JUNE 9.

INLAND REVENUE (IRELAND)—MIXING SPIRITS—Question, Mr. O'Sullivan;	
Answer, The Chancellor of the Exchequer	1268
CIVIL SERVICE SUPERANNUATION—THE ORDNANCE SURVEY — Question, Mr. Onslow; Answer, Lord Henry Lennox	
	1269
ESTABLISHED CHURCH (SCOTLAND) (COMMUNICANTS)—MOTION FOR A RETURN—	
Questions, Mr. Baxter, Mr. Horsman; Answers, The Lord Advocate	1269
"Address for Return, with regard to the Established Church of Scotland, giving, in separate columns, the number of male and the number of female Communicants on the Roll in each parish of the several counties of Argyll, Inverness, Ross, Caithness, and Sutherland, in each year, from 1867 to 1873 inclusive,"—(<i>Mr. Ellice</i>)	
	1271
Motion <i>agreed to</i> .	
INTERMEDIATE EDUCATION (IRELAND)—RESOLUTION—	
<i>Moved</i> , "That the present state of intermediate education in Ireland is unsatisfactory, and requires the immediate and serious consideration of Her Majesty's Government,"—(<i>Mr. O'Shaughnessy</i>)	1271
After short debate, Motion, by leave, <i>withdrawn</i> .	

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NATIONAL SCHOOL TEACHERS (IRELAND)—RESOLUTION—

Moved, "That, in the opinion of this House, the present condition of the National School Teachers of Ireland, and the discontent which prevails amongst that important body of public servants, call for the early attention of Her Majesty's Government, with a view to a satisfactory adjustment of their claims,"—(*Mr. Meldon*) .. 1282

Amendment proposed, to add, at the end of the Question, the words "by means of increased allowances from local sources,"—(*Mr. M'Laren.*)

Question proposed, "That those words be there added:"—After debate, Amendment and Motion, by leave, *withdrawn*.

MONASTIC AND CONVENTUAL INSTITUTIONS—Motion for a Return (*Mr. Newdegate*) .. [House counted out.] 1298

COMMONS, WEDNESDAY, JUNE 10.

PARLIAMENT—THE LATE COUNT-OUT—Observations, *Mr. Newdegate* .. 1299

Moved, "That this House do now adjourn,"—(*Mr. Greene.*)

After short debate, Question put, and *negatived*.

Elementary Education Act (1870) Amendment Bill [Bill 6]—

Moved, "That the Bill be now read a second time,"—(*Mr. Richard*) .. 1304

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Isaac.*)

After long debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 128, Noes 373; Majority 245.

Words *added*:—Main Question, as amended, put, and *agreed to*:—Second Reading *put off* for three months.

Division List, Ayes and Noes .. 1355

Personation Bill—Ordered (*Mr. George Clive, Sir Charles Forster*); *presented*, and read the first time [Bill 146] .. 1358

Labourers and Artisans Dwellings Bill—Ordered (*Sir Percy Burrell, Mr. Cunliffe Brooks*); *presented*, and read the first time [Bill 144] .. 1358

Colonial Attorneys Relief Act Amendment Bill—Ordered (*Mr. Goldney, Mr. Dodds*); *presented*, and read the first time [Bill 145] .. 1358

LORDS, THURSDAY, JUNE 11.

Supreme Court of Judicature Act (1873) Amendment Bill—

Order of the Day for the House to be put into Committee, read .. 1359

Then it was *moved* to resolve,

"That as it is admitted that this House is preferred by Scotland and Ireland as their Court of final Appeal to any other which has been proposed, and as a satisfactory Court of final Appeal has not yet been established for England, it will be expedient, instead of proceeding to create a new Court for all the three Kingdoms, that the provisions of the Supreme Court of Judicature Act of last session which prohibit Appeal to this House be repealed, and that time be thereby allowed for the adoption of such improvements in the constitution and practice of this House in the discharge of its judicial functions as may remove the objections which have been taken to it as a Court of Judicature, and that the Committee on the Supreme Court of Judicature Act, 1873, Amendment Bill be hereby instructed to amend the same in accordance with this resolution,"—(*The Lord Redesdale*) .. 1359

After long debate, on Question? their Lordships *divided*; Contents 23,

Not-Contents 52; Majority 29:—*Resolved* in the *Negative*.

Then it was *moved* that the House do now resolve itself into Committee;

Motion *agreed to*; House in Committee accordingly; House *resumed*:

House to be again in Committee on *Tuesday* next.

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Parochial Records (Ireland) Bill (No. 68)—	
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After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly.	
Court of Judicature (Ireland) Bill (No. 57)—	
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THE CONFERENCE AT BRUSSELS—Question, Lord Stanley of Alderley;	
Answer, The Earl of Derby	1400
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— <i>Presented</i> (<i>The Lord Walsingham</i>); read 1 ^a ; and referred to the Examiners (No. 97)	1401

COMMONS, THURSDAY, JUNE 11.

ARMY—CUNNINGHAM TRAINING GEAR FOR LARGE GUNS—Question, Mr. Naghten; Answer, Lord Eustace Cecil	1402
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VALUATION ACTS (IRELAND)—Question, Captain Nolan; Answer, Mr. W. H. Smith	1406
SCIENCE AND ART DEPARTMENT (IRELAND)—Question, Sir Arthur Guinness; Answer, Sir Michael Hicks-Beach	1406

PARLIAMENT—BUSINESS OF THE HOUSE—RESOLUTION—

<i>Moved</i> , That upon Tuesday next, and upon every succeeding Tuesday during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having the priority,—(<i>Mr. Gathorne Hardy</i>)	1407
After short debate, Motion <i>agreed to</i> .	

Factories (Health of Women, &c.) Bill [Bill 115]—

<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Ascheton Cross</i>)	1415
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Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it would be inexpedient to pass those portions of the Bill which impose new legislative restrictions on the number of hours during which adults are to be permitted to work,"—(<i>Mr. Fawcett</i>),—instead thereof	1421
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Question proposed, "That the words proposed to be left out stand part of the Question :"—After long debate, Question put :—The House *divided* ; Ayes 295, Noes 79 ; Majority 216.

Main Question put, and *agreed to*:—Bill read a second time, and *committed for Tuesday 23rd June*.

CONSULAR CHAPLAINS—

Select Committee *appointed*, "to inquire into the circumstances attending the withdrawal of the allowances granted to Consular Chaplains under the provisions of the Act 6 Geo. 4, c. 87,"—(*Sir Henry Wolff*.)

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<i>Moved</i> that an humble Address be presented to Her Majesty, praying Her Majesty's consent to a Bill being introduced limiting the prerogative of the Crown in so far as it relates to the creation of Irish Peerages, as provided by the Act of Union, —(<i>The Lord Inchiquin</i>)	1476
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REPRESENTATIVE PEERS OF SCOTLAND—MOTION FOR A SELECT COMMITTEE—	
<i>Moved</i> that a Select Committee be appointed to inquire into the present method of electing the Representative Peers for Scotland and Ireland, and to report whether any changes are desirable therein,—(<i>The Earl of Rosebery</i>)	1489
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Elementary Education Provisional Order Confirmation (No. 2) Bill [H.L.] —Presented (<i>The Lord President</i>); read 1 ^a ; and referred to the Examiners (No. 108)	1495

COMMONS, FRIDAY, JUNE 12.

Great Southern of India and Carnatic Railway Companies (No. 2) Bill—	
<i>Moved</i> , "That, in the case of the Great Southern of India and Carnatic Railway Companies (No. 2) Bill, Standing Order 242 be suspended, and that the Bill be now read the third time,"—(<i>Sir Charles Forster</i>)	1495
<i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Fawcett</i>):—	
After short debate, Question put:—The House <i>divided</i> ; Ayes 49, Noes 102; Majority 53.	
Original Question put, and <i>agreed to</i> : Bill accordingly read the third time, and <i>passed</i> .	
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MONASTIC AND CONVENTUAL INSTITUTIONS—RESOLUTION—	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient that Her Majesty's Ministers should introduce a Bill appointing Commissioners to inquire as to Monastic and Conventional Institutions in Great Britain,"—(<i>Mr. Newdegate</i>),—instead thereof	1498
Question proposed, "That the words proposed to be left out stand part of the Question:—After debate, Question put:—The House <i>divided</i> ; Ayes 237, Noes 94; Majority 143.	
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BOROUGHs (AUDITORS AND ASSESSORS)—APPOINTMENT OF SELECT COM- MITTEE—	
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Statute Law Revision Bill (No. 77)—	
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Church Patronage (Scotland) Bill (No. 95)—	
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Further Amendments made; Bill to be read 3 ^a <i>To-morrow</i> ; and to be <i>printed</i> , as amended (No. 113.)	
Public Worship Regulation Bill (No. 62)—	
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India Councils Bill (No. 79)—	
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(2.) £232,170, to complete the sum for the Science and Art Department.—After short debate, <i>Vote agreed to</i> ..	1654
(3.) £178,057, to complete the sum for Public Education, Scotland.	
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(7.) Motion made, and Question proposed, "That a sum, not exceeding £832,662, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for the Post Office Packet Service; no part of which sum is to be applicable or applied in or towards making any payment in respect of any period subsequent to the 20th day of June 1863, to Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract, bearing date the 26th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June 1863" ..	1660
Motion made, and Question proposed, "That the Item of £490, for conveyance of the Mails to St. Kitts, Nevis, and Montserrat, be reduced by the sum of £122 10s,"—(<i>Mr. Dixon</i> .)—After short debate, Motion, by leave, <i>withdrawn</i> .	
Original Question put, and <i>agreed to</i> .	
(8.) Motion made, and Question proposed, "That a sum, not exceeding £778,339, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for the Salaries and Expenses of the Post Office Telegraph Service" ..	1661
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Supreme Court of Judicature Act (1873) Amendment Bill (No. 56)—	
House again in Committee (according to Order) ..	1669
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POOR LAW—ST. PANCRAS UNION—MORTALITY OF YOUNG CHILDREN—	
Question, Observations, Earl De La Warr; Reply, Lord Walsingham	1673
<i>Moved</i> , "That there be laid before this House Report of the Inspector of the Local Government Board on the subject of the high rate of mortality among infants in the workhouse of the Parish of St. Pancras during the past year,"—(<i>The Earl De La Warr.</i>)	
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County Courts Bill [H.L.]— <i>Presented</i> (<i>The Lord Chancellor</i>); read 1 ^a (No. 117) ..	1676

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Building Societies Bill [Bill 132]—	
<i>Moved</i> , "That the Bill be now taken into Consideration,"—(<i>Mr. W. M. Torrens</i>) ..	1741
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Friday next,"—(<i>Mr. Anderson.</i>)	
Question put, "That the word 'now' stand part of the Question:—" The House <i>divided</i> ; Ayes 97, Noes 22; Majority 75.	
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LORDS.

NEW PEERS.

TUESDAY, JUNE 2, 1874.

The Right Honourable Edmund Hammond, created Baron Hammond of Kirkella in the Town and County of the Town of Kingston-upon-Hull.

MONDAY, JUNE 8.

His Royal Highness Prince Arthur William Patrick Albert, created Earl of Sussex and Duke of Connaught and of Strathearn.

SAT FIRST.

FRIDAY, MAY 15, 1874.

The Lord Thurlow, after the Death of his Brother.

MONDAY, JUNE 8.

The Lord Zouche of Haryngworth, after the Death of his Father.

REPRESENTATIVE PEER FOR IRELAND (*Writ and Return.*)

MONDAY, MAY 11, 1874.

Lord Castlemaine, *v.* Lord Blayney, deceased.

COMMONS.

NEW WRITS ISSUED.

MONDAY, MAY 18, 1874.

For *Poole, v.* Charles Waring, esquire, void Election.

TUESDAY, JUNE 2.

For *Wigton Burghs, v.* Right Hon. George Young, Judge of Court of Session.

THURSDAY, JUNE 4.

For *Durham City, v.* John Henderson, esquire, and Thomas Charles Thompson, esquire, void Election.

For *Haverfordwest, v.* Lord Kensington, void Election.

MONDAY, JUNE 8.

For *Durham County* (Northern Division), *v.* Isaac Lothian Bell, esquire, and Charles Mark Palmer, esquire, void Election.

NEW MEMBERS SWORN.

MONDAY, MAY 18, 1874.

Stroud—John Edward Dorington, esquire.

TUESDAY, MAY 19.

Stroud—Alfred John Stanton, esquire.

THURSDAY, MAY 21.

Dudley—Henry Brinsley Sheridan, esquire.

MONDAY, JUNE 1.

Poole—Hon. Antony Evelyn Melbourne Ashley.

TUESDAY, JUNE 2.

Mayo—George Ekins Browne, esquire, and John O'Connor Power, esquire.

MONDAY, JUNE 15.

Haverfordwest—Baron Kensington.

Durham City—Farrer Herschell, esquire, and Sir Arthur Edward Monck, baronet.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 5 MARCH, 1874, IN THE THIRTY-
SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, 11th May, 1874.

MINUTES.]—REPRESENTATIVE PEER FOR IRELAND—Lord Castlemaine, *v.* Lord Blayney, deceased.

PUBLIC BILLS—*First Reading*—Courts (Straits Settlements) * (60).

Second Reading—Oyster and Mussel Fisheries Orders Confirmation * (36); Pier and Harbour Orders Confirmation * (37); Public Worship Regulation (30).

DWELLINGS FOR THE LONDON POOR.

WITHDRAWAL OF NOTICE.

LORD NAPIER AND ETTRICK said, that since he had given Notice of his intention to call the attention of their Lordships to the subject of dwellings for the London Poor, the question had been brought forward with much ability in the other House, and the statement made on behalf of the Government, in answer to the hon. Gentleman who had introduced it, was regarded as so satisfactory that he and those with whom he had the honour to act were desirous of leaving it in the hands of the Ministry. There would be no occasion, therefore, for him to act on the Notice which stood in his name for to-morrow.

VOL. CCXIX. [THIRD SERIES.]

PUBLIC WORSHIP REGULATION

BILL.—(No. 30.)

(*The Archbishop of Canterbury.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^a."

—(*The Archbishop of Canterbury.*)

THE ARCHBISHOP OF YORK: My Lords, as there has been a good deal of misapprehension and unintentional misrepresentation on the subject of this Bill, I am very anxious that your Lordships should give it that dispassionate consideration which you are always disposed to give to any measure which may come before you, in order that it may be judged solely on the merits and not on those comments which have appeared in the public Press for some time past: and I crave the indulgence of your Lordships that I may correct many unintentional misrepresentations which have been made upon the subject. The Petitions which have been laid on the Table do not tend to show that the feeling of the country has been correctly represented in the Articles to which I refer. I might, if I chose, select cases of hardship and

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grievance to the laity; but I do not think I ought to weary your Lordships by entering into details on this point after the facts stated on Friday evening by the most rev. Primate, in reply to a Question which, I think, was inconsiderately put to him. The answer given by the most rev. Primate was to this effect—that the clergy being bound by the Articles of their ordination to follow the doctrines of the Book of Common Prayer, and none other—except so far as law and authority might order—a considerable number of them use, in silence, prayers which are not to be found in that Book, and which convey doctrines it does not contain. It is clear that the extracts read by the most rev. Primate are not in conformity with the doctrines in the Book of Common Prayer. I hold in my hand now a little publication entitled *The Penny Liturgy*, which purports to contain “the Service for Holy Communion, with Preparation, Thanksgiving, and other Prayers.” It seems, at first sight, to be a copy of the Communion Service of the Church, with additional prayers in the same tone; but, on examining the book, I find in it passages utterly at variance with anything which the Communion Service in the Book of Common Prayer contains—

“Accept, O holy Trinity, one God, the sacrifice of the Body and Blood of our Lord Jesus Christ, which I desire to offer thee this day in union with the sacrifice which he offered once for all upon the cross, and now presents in heaven. Receive it (1) to the praise and glory of thy holy name; (2) in memory of the death and passion of our Saviour Christ; and (3) in thanksgiving for all thy benefits, especially grant also (4) unto me, a sinner, pardon of all my sins, especially and grace to obtain all virtues, especially and (5) unto all thy faithful, living and departed, especially the graces that they need. Lastly, I desire to offer it for (6) [here name your special intention] I beseech thee to accept this sacrifice, through the same Jesus Christ our Lord. Amen.”

There are other passages which are almost too solemn to read here; but the passage which I have just quoted, and the altar cards quoted by my most rev. Brother on Friday, are sufficient to show that some of the clergy use prayers drawn up in a very different spirit from that to be found in the doctrines contained in the Book of Common Prayer. I shall not multiply particular instances; but I may refer to a case which came within my own knowledge. About a

year ago a question arose about the consecration of a church in the diocese of Winchester. The late Bishop of Winchester found that there was in that church a second communion table, which was to be called the “Altar of the Virgin.” That lamented Prelate stated that unless this communion table were removed, he would not consecrate the church. The church was consecrated on the condition of its removal. The Bishop has since died; but the altar which should have been removed stands there fixed and firm, with the words, “Pray for us,” sculptured upon it, so that all in the church may read. It is there, and will remain so, I presume, till some power interposes to remove it. My Lords, we, the Bishops, know that there exists in the minds of the laity deep dissatisfaction. We are not able to give them redress, but we are obliged to listen to complaints which, I assure your Lordships, are very numerous. It is admitted on all hands that the Bishops are powerless to check the things complained of, and each incumbent being master of the situation, he may set the Bishop and the laity at defiance if he be disposed to do so. It is not upon isolated cases that we rely; but still the cases in which this is done are not so numerous, considering the hundreds and thousands of faithful clergy to whom we can point, as may be supposed; but those exceptional cases are sufficiently numerous to be a cause of grievous irritation, and they are increasing in number, and no one can tell how far they may go. It is this sense which creates the irritation that prevails, and which renders it necessary that a speedy remedy should be provided for the evil. It may be said, and it will be said, that there are remedies already in our hands, and we have nothing to do but use them. We may be told that we have nothing to do but refer the case to our Chancellor, and then take it to the Court of the Province and have it heard on its merits, and we may thence carry it back to the Court of Appeal—being, in the whole, five hearings. We are told that we have thus a remedy in the Ecclesiastical Courts, and that if we adopt the remedy the thing is done. Now, my Lords, not to speak of the delay caused by sending a case from one ecclesiastical tribunal to another and then sending it back again, let us see what are the costs incurred in the

Ecclesiastical Courts. I shall take only three cases by way of illustration. In the case of "*Martin v. Mackonochie*" the costs were £1,991 4s. 4d. in the Court below, and in the Privy Council £1,486 11s. 7d.; but the sentence not having been obeyed, further steps were taken to enforce it, and the cost of obtaining an order to enforce the original sentence was £1,459 5s. 3d. In the case of "*Elphinstone (afterwards Hebbert) v. Purchas*" the costs in the Court below were £1,389, and those in the Privy Council £2,510. I may observe that of the costs in this case not a single farthing was ever recovered by the promoter. The third case was that of "*Sheppard v. Phillimore and Bennett*," and the costs were £2,735 1s. There were two appeals, and in the case and the two appeals the costs were respectively £296 1s. 8d., £420 5s. 2d., and £1,573 3s. 2d. So much for costs; and I think your Lordships will agree with me that such costs prevent anything like a steady and consistent administration of a diocese. It is impossible that costs like these could be incurred in five or six different cases, and I do not say more would be likely to arise in a diocese. Something has been said about counsel's fees. I find that in "*Martin v. Mackonochie*" they amounted to £2,783 11s.; in "*Hebbert v. Purchas*" to £1,962; and in "*Sheppard v. Bennett*" to £5,023 10d. Now as to time. In "*Hebbert v. Purchas*" the offence was in 1868 and 1869, and a final decree was not obtained until December, 1871. There were four hearings, and nearly four years were spent in Court. In the case of "*Sheppard v. Bennett*" the offence was charged in 1868; there was a second appeal, which was not heard till June, 1872, or nearly four years after the offence was charged. In all, there were five hearings. In the case of "*Martin v. Mackonochie*," also, there were five hearings. The offence was charged in 1866; but it was not till 1870, or four years after, the last order was made. In these cases there were two separate motions to enforce obedience. Far be it from me to say that the most extended time should not be given for the hearing of a cause in which the life or reputation of a fellow creature is at stake; but your Lordships will remember that in these causes the proceedings were in the main to enforce

what the Court of Appeal had decided to be right. I would ask your Lordships to bear in mind that in this Bill we are not endeavouring to find what punishment can be inflicted for any of the offences with which it is proposed to deal. I should regret very much if any of them were ever treated as criminal offences. We are in this Bill trying to divest them as much as possible of any such character—we are endeavouring to prevent the doing of that which should not be done, and to re-assert the established doctrine, that certain things are not to be done at the pleasure of the incumbent, but only in accordance with the decision of the Bishop and his Court. If a case has not been made out for our action in this matter, I am afraid that nothing which I can say will establish one, and therefore I shall leave that part of the case. Coming to another part of it, my Lords, I may observe, it appears from what has passed here and in the other House that the relations between this measure and the Convocation of Canterbury are rather delicate. I have the greatest respect for Convocation and shall always be found ready to defend its privileges; but the request to have a Bill introduced in Parliament laid before Convocation to be discussed, clause by clause, is an entirely modern claim. It is not in accordance with the constitution and the history of Convocation. Will it be contended that all great measures affecting the Church have been laid before Convocation in this way? Of all the important measures in the Statute Book I remember but very few in which Convocation was consulted at all. The great Act of Uniformity was brought under the notice of the Convocation of the Southern Province, but the Convocation of the Northern Province was not allowed to consider it at all. And I cannot help remembering that last year when the Judicature Bill was before Parliament, although that Bill contained a provision changing altogether the tribunal of ultimate appeal in ecclesiastical cases, it passed without any intimation here or any suggestion in Convocation that it ought to be sent to Convocation for its consideration and examination. I will not use an expression in reference to that Bill which has been applied with respect to this, and say it was passed with "indecent haste;" but it did pass rapidly, and

that without any such intimation from any quarter as to that to which I have just referred.

Now, coming to the Bill before your Lordships, I say that in its leading principles it is very much what the Lower House of Convocation recommended in 1869. The Report condemned the Clergy Discipline Act on, among other grounds, the ground that it superadded a preliminary inquiry. As to the form in which proceedings should be instituted, I think the only points of disagreement are that by the Bill as it now stands one parishioner may move, whereas the Report recommended three, and that he may hold property and not be resident, and that he may be a Churchman only and not a communicant. I am afraid the test of being a communicant is one that cannot be adopted for reasons that will appear in course of the debate. But in other respects we have substantially adopted the recommendations in that portion of the Report. As regards the Court, the Report recommended that the Bishop should sit in his own Court. We have surrounded him with assessors, but if the constitution of the Court is not satisfactory we are prepared to alter it, if necessary. Objection is now taken to the powers which, it is said, the Bill will give the Bishops. My Lords, it is curious that when the Sees are far off we display great anxiety for an increase of the episcopacy and are very anxious for episcopal supervision and the upholding of episcopal authority; but when a Bishop comes within our view, and his diocese is nearer, our ideas on that subject appear to undergo a change. How far this may be the case in the Province of Canterbury I am not prepared to say. When we drew the Bill we had the opinion of the Convocation of Canterbury, given in 1869, before us. I wish we had the opinion of the Convocation of York; but it would have been impossible for me to obtain that opinion before the month of May. What course may hereafter be taken will depend upon the events of to-night. As I have already observed to your Lordships, when we were preparing the measure we did not seek to punish any one for what he had done. We took every care to divest of even the appearance of a penal proceeding the action to be taken against clergymen who have been acting according to

their conscientious convictions; but we did wish to re-assert that the Bishop in his Court, and not the incumbent acting according to caprice or to his discretion, was to be the exponent of the law of the Church in the matters treated of in this Bill. In the Preface of the Book of Common Prayer and in the Table of Lessons Act—a statute of so recent a date as 1871—the jurisdiction of the Ordinary in all such matters is distinctly recognized. In the part of the Book of Common Prayer entitled “Concerning the Service of the Church,” it is among other things provided—

“Forasmuch as nothing can be so plainly set forth, but doubts may arise in the use and practice of, the same; to appease all such diversity (if any arise) and for the resolution of all doubts, concerning the manner how to understand, do, and execute the things contained in this Book; the parties that so doubt, or diversely take anything, shall always resort to the Bishop of the Diocese, who by his discretion shall take order for the quieting and appeasing of the same; so that the same order be not contrary to anything contained in this Book. And if the Bishop of the Diocese be in doubt, then he may send for the resolution thereof to the Archbishop.”

If there are in your Lordships' House any persons who think it desirable that the incumbents of parishes should be possessed—I will not say of independent power, but of unlimited and arbitrary power—now is the time for him to record that opinion. On the other hand, if your Lordships are of opinion that the Church of England, while recognizing, as she always has recognized, the independence of the incumbent as the pastor of his parish, lays down that he should be subject to those laws and regulations of which the Bishop is the exponent, then I ask you to vote for this Bill, because that is the principle affirmed in its various clauses. But, my Lords, if you find that there is any truth in the allegation that through this Bill the Bishops are seeking an addition to their power with the view of rendering it arbitrary, your Lordships will, of course, vote against the measure. I can assure your Lordships that if you can devise any means better calculated to allay irritation which is dangerous to the existence of the Church Establishment we are ready to co-operate with you and to adopt your Amendments so far as they are consistent with the principles of the Bill. I do not understand how it can be said that this is a penal measure. I speak under the correction of those

learned in the law when I say that to my mind an application to the Court of Chancery to obtain a perpetual injunction for an infringement of right is in every respect as penal a proceeding as that proposed in this Bill. There is no penalty except as to costs, and that is inevitable. Much has been said about the hardship of subjecting the clergyman to interrogatories; but, my Lords, that principle has been already recognized in the Act 1 & 2 *Vict.* c. 106, s. 52, which provides that questions concerning non-residence sent to incumbents must be answered, although the replies may subject the incumbent to deprivation. Again, under the present Dean of Arches, the clergyman was allowed to tender himself for examination. That amounted virtually to a rule that he should do so; because, if he did not, an unfavourable inference would thereby be raised. A paper which I have no doubt has been sent to most, if not all, of your Lordships, assigns Fourteen Reasons why your Lordships' House should not assent to this Bill. This is a very remarkable paper. It states that if your Lordships do so "there is very little chance that the House of Commons would pass a measure so obviously beyond its proper sphere and so monstrous in its details." Now, my Lords, let us see some of the allegations made in support of that assertion. As Reason No. 12 there is this statement—

"Because, by a clause which yet stands in the Bill, it is provided that, contrary to the whole spirit of English law, when a judgment of the proposed Court has been appealed against, its sentence shall nevertheless take effect at once; which puts the clergy as a class in the exceptional position of being liable to be punished as guilty during the time necessary for proving their innocence."

I remember that in a prosecution which made considerable noise—that of the Rev. Mr. Voysey—the gentleman proceeded against was subjected to the effects of the decree pending the final appeal, and I never heard of any remonstrance in that case. Again, if I turn to Section 58 of the Judicature Act of last year I find this provision—

"An appeal shall not operate as a stay of execution, or proceedings under the decision appealed from, except so far as the Court appealed from, or any Judge thereof, or the Court of Appeal, may so order; and no intermediate act or proceeding shall be invalidated except so far as the Court of Appeal may direct."

I am aware, my Lords, that in the Bill now before your Lordships there are not those qualifying words "except so far as the Court of Appeal may direct;" but if that is regarded as a valuable qualification, no one connected with this Bill will object to it. The clause itself is, however, a vital part of the Bill. And why? You are dealing with a particular class of cases, in which the greatest mischief is done by the continuance of the thing condemned. I have pointed out that Mr. Mackonochie's case lasted three years, during which time that gentleman, no doubt, doing what he thought right, repeated those acts for which he had been brought before the Ecclesiastical Courts. What would be the effect of such a proceeding in a parish church? If the first of these acts offended the worshippers, so did the second and third; and if the practices were continued for three years the original congregation would have dropped away from the church, so that by the time the decree of the Bishop could be enforced it would be of no use to those for whose benefit it was sought—it would be of no use to say that what had been done should not have been done. To prevent any hardship arising from the clause there are two remedies, the first of which is in the clause itself. By the Bill, as introduced by the most rev. Primate, the Bishop may prevent the monition from taking effect pending the appeal; and if it is thought that there may be a danger of his acting unreasonably, power may be given to the Court of Appeal to arrest the judgment. Then as to the mode in which the Bill would operate. As the Bill stands, any one of the persons named might make his application to the Bishop—we are disposed to allow the objection to a single parishioner being entitled to make application by way of complaint to the Bishop. We are prepared to insert "three parishioners," instead of one, and we are also prepared to give the power to one churchwarden. It has been thought that the introduction of any new services should be included in the Bill. There can be no doubt that the law is that the directions of the Prayer Book must be observed—that nothing must be omitted and nothing added. The clause would therefore be made to apply to any new or additional service not directed by authority. I now

come to the constitution of the Court, and I hope I may ask for your Lordships' favourable consideration in respect of this part of the Bill. Now as to the construction of the Court to try these cases. The original draft of this Bill was entirely different. We had determined that it should not be said the Court was one set up to give the Bishops undue power, and originally we proposed that the Bishop should be assisted by a Council, one half of which should be clergymen and the other half laymen elected by laymen. I cannot say that this plan of election ever commended itself very much to my mind, because I thought it might lead to great heart-burnings. However, when we took legal opinion upon the question we found it was entirely opposed to the plan. Accordingly we recast this part of the Bill, and we took as our model the existing Court of First Instance—a Court which, though not much used, has been in existence during nearly the whole of the Queen's reign under the Church Discipline Act. We thought we would take it, put it on your Lordships' Table, and have your Lordships' opinion on it. Well, opinions have reached us on all sides, and from the two parties who take an interest in this question we gather that this part of the plan requires modification. The clergy in the Convocation of Canterbury have suggested that the Bishop with his Chancellor, the latter being a lawyer, should constitute the Court to hear the complaint in the first instance. I believe the most rev. Primate is willing to adopt that suggestion. At the outset the Bill gave the Bishop the power on receiving the complaint to exercise his discretion as to sending it to his Court. The reason for this is that we know by experience that frivolous complaints are often made—we know that there is sometimes a disposition to complain of things as illegal which are perfectly legal. We think then that the Bishop ought to have power to refuse to send a complaint before the Court. The Archbishop may send the appeal either to the Court of Appeal of the Province or to the Privy Council. That discretion is, I think, a desirable one. My Lords, as in these cases it often occurs that there is very little doubt of the facts, it has been thought desirable that the Bishops' Court should in the first instance have

power to state a case for the Court of Appeal. In this way a case might be sent up for hearing, and argued and decided without the clergyman appearing at all. With the view of making such a provision this Amendment is suggested—

“The Bishop may, if he think fit, on the application of the person or persons making a representation, or the incumbent, and upon such security for costs being given by the applicant as the Bishop may require, state a case in writing for the opinion of Her Majesty's Court of Appeal, upon any question arising out of the representation, which in the opinion of the Bishop, is a question of law, and such Court shall hear and determine the question or questions of law arising thereon, and any judgment pronounced by the Bishop shall be in conformity with such determination. There shall be no appeal from the judgment of the Bishop upon any question of law so determined by Her Majesty's Court of Appeal.”

As to the interrogatories to be sent to the clergy, the great object of them is to shorten the inquiry; and as to the monition pending inquiry, it is analogous to the proceeding in Chancery. All Civil Courts have the power of making themselves obeyed—it is only in the Ecclesiastical Courts that one party is permitted to refuse obedience to the judgment of the Court. My Lords, I think we have not had for some time a more important Bill than this brought before your Lordships' House. I believe it is regarded in that light by your Lordships and the country. A Member of the House of Commons has recently said to me, “If you pass this Bill you will win me to vote against disestablishment.” My Lords, this question should not be looked on as a squabble between the Bishops and a section of the Church. It ought to be looked on as a vital question affecting the constitution of this country—affecting the existence of the Church of England. Your Lordships are guardians—you claim it—guardians and conservators of all the political and constitutional landmarks of this country, and it is not needful for me, in conclusion, to ask your Lordships to see that the institutions of England shall not suffer from any want of a due appreciation of the matters now under the consideration of your Lordships' House.

THE EARL OF SHAFTESBURY*: My Lords—Having, for four consecutive years, introduced Bills into this House for the reform of the Ecclesiastical Courts, I may, perhaps, be indulged

The Archbishop of York

by your Lordships with permission to say a few words on the present occasion. And, in the outset, I will say that I am not prepared to oppose the second reading of the measure before us. When the two Archbishops and the whole of their brethren on the Episcopal Bench declare that we are in a serious crisis of the Church, and that they have a remedy for many of these evils, they have a right to demand our most respectful consideration. That "something must be done," is the cry that, at last, we hear from all quarters. I fully agree, but I maintain that this something cannot be done after the proposed fashion. This is not the way in which it can be done; and if it could be done in this way, it ought not to be so. Now, my Lords, I am speaking of the Bill before your Lordships' House. I could not follow, and I question whether your Lordships could, the alterations and amendments announced by the Archbishop; but most assuredly they did not touch the principal objection to the Bill, the constitution and construction of this new Court; and the Bill, as it now stands, would be, as a remedial measure, no better than waste paper. And, first, I would ask, Why are we to have a new Court? Half the opposition made to this Bill arises from the novelty of the proposition. The old Diocesan Courts, bad as they are, have jurisdiction to correct all breaches of laws ecclesiastical; and they are maintained, moreover, at the cost of between £70,000 and £80,000 a-year, levied by fees and licences, and available for any purpose of improvements in administration and procedure. Next, there is no provision for security that suits shall not be instituted by frivolous, vexatious, and destitute persons. Any one parishioner may promote the Judge's office; and in the Interpretation Clause the definition of parishioner is short and picturesque—"a male of full age." Now, in my Bill, I provided that the laws could be set in motion only on the combined representation of three persons; and to ensure a certain respectability as to position, and to prevent harassing suits, I also provided that the Judge should require security for costs, and, moreover, possess a power of inflicting "costs as between attorney and client." But here we have nothing of the sort—no care that the prosecutor be, either in morals or finance, a fitting person. Yet when,

in a former year, I had stated my proposed enactments, a right rev. Prelate called me to task, after a serious fashion, rebuked my neglect to secure morality in my proposed agents, and used unsavoury language, which, although episcopal, my modesty, as a layman, will not allow me to repeat. Now, my Lords, I have a right to say that when a Bishop has censured me for wild and immoral legislation, he ought, himself, to take good care that he is not guilty of the same in any Bill to which he is a party.

Now, though I do not intend to make, or to follow, any Motion against the second reading of the Bill, I may be allowed to say a few words on clauses that I hold to be very objectionable, inasmuch as they contain principles which might be drawn into precedents for further limitation of lay and clerical rights, and introduce various novelties which might afterwards plague their inventors. First, I protest against the constitution of the Courts. It is provided by Clause 10 that it shall be the same as that appointed by the Church Discipline Act of 1840. Well, nothing can be worse, and the Bishops themselves think so, for in thirty-four years they have only in a very few and those exceptional cases, ever had recourse to it. Now, here is the Body—the Bishop, who nominates his own Court; an assessor without any limitation whatever; a barrister of seven years' standing; the dean of his cathedral; or an Archdeacon of his diocese; or his Chancellor, who may be an ecclesiastic; all subject to the Episcopal authority. My Lords, by the Bill that I introduced these glaring objections would have been avoided. I carried—and the Bill as it went down to the House of Commons contained it—a provision that the Bishop of the diocese should send letters of request to the Archbishop of the Province, who, thereupon would send down the Provincial Judge, a barrister of 15 years' standing, who would, on the same principle as an Election Judge, try the case on the spot, securing thereby sound legal decision, with a vast saving of time and expense. But the appointment even of this Court is left to his discretion. Clause 9 says "the Bishop may, if he think fit," do so and so. Now, then, have we advanced a step? The Archbishop promised that the Bishop should have no discretion in the matter, unless he could conscientiously assert

that the application was frivolous and vexatious. Again, my Lords, it is highly objectionable that the Bishop should perform two offices in the same suit. A case is brought before him to determine whether it shall be prosecuted or not. He determines in the affirmative; and then passes into an adjoining room, and tries the issue! How can this be right? Is it not as though the foreman of the Grand Jury having found a true bill, should suddenly be seen in the chair of the Quarter Sessions, trying the very case on which he had half pronounced? The temptation is too great, human nature is very weak; and even were there no danger of partiality, the appearance of it is bad. Why such an exceptional rule as this? Why should we not follow, in all cases, a sound English form of procedure? My Lords, if the Bishops were not allowed to interfere at all, and every suit were adjudged by sound lawyers, the public would have some confidence in the decisions of the tribunals.

I pass now to the absolute powers entrusted to the Bishop by this Bill. He may enforce, or not enforce, the law as he pleases; he may fix the time and place of hearing the parties; he nominates his assessors, and he is not bound to follow their advice. An obstinate and wilful man—and Bishops may be such—could overrule his entire Court. He is, in fact, lord and master of everything contained in Clause 8 and its three sub-clauses. He may bring into life disused rubrics; in fact, he must do so, for this Bill proceeds on the grant of new powers, new action, and in consequence the attainment of complete obedience. No Bishop, if he resolves to act, can falter. He must go forward on the principle of even-handed justice; and if he prunes the excrescences of the Ritualists, he must—for the Ritualists will keep him up to the mark—rebuke and punish the shortcomings of their opponents. Thus we shall have perpetual striving before the Bishops—conscientiously, no doubt—for the minute observance of everything in the Prayer-book. A faculty will be required for the smallest doings in the fabric and furniture of the Church. He will be called upon to settle the question of the white and black gown, and no end of other matters; and as there are 27 Bishops, we shall probably have 27 decisions. But a more serious con-

sideration arises. Your Lordships will remember that a year or two ago much feeling was excited on the subject of the Athanasian Creed. A memorial was presented to the two Archbishops, with a prayer that the reading of it in the public service might cease to be compulsory. It obtained many signatures of great importance. Now many congregations have come to an understanding with their ministers to that effect. But if this Bill pass into a law the Bishops, whatever their wishes, must yield to the urgent representations of the Ritualistic party, and enforce the reading of the Creed at every appointed season. I foresee from this nothing but disturbance and irritation. The Bill, no doubt, presses equally on both sides. The High Church will be restrained from doing what they wish, and the Low Church will be compelled to do what they do not wish. But, my Lords, here is a smaller affair, no doubt, yet worthy of note. The Bishop, by sub-clause of Clause 11, has power of himself to summon witnesses and call for the production of documents, a power given only by Act of Parliament, or possessed by a Court of Record. But, surely, as we are asked to confer on the Bishops powers to affect the rights and property of many individuals, we are bound in duty to inquire whether they possess the requisite qualifications of legal knowledge and judicial training. I appeal to the noble Marquess the Secretary of State for India (the Marquess of Salisbury); did he not state last year that the Bishops were utterly devoid of all judicial qualifications, that they had not a judicial mind? And by a recent Act has not the Parliament eliminated the episcopal element from the Judicial Committee of Privy Council? They may attend as advisers, as referees, in any form but that of Judges, from which they are excluded altogether. And it is almost unnecessary to mention the universal cry that their Chancellors should be laymen. But, worst of all, these great powers, which involve such serious consequences, are to be exercised *in camera*, in secret. By sub-clause 6 of Clause 11, the Bishop has power to exclude every representative of the Press, and every other person who might possess a controlling influence. On this point, a legal gentleman has given me his opinion—

The Earl of Shaftesbury

"The power to hear *in camera*," he says, "has always been very sparingly exercised by Judges of the Courts of Law and Equity, and only in special cases. In a recent case before the Court of Chancery the present Lord Chancellor refused an application to hear a case *in camera*, and expressed himself unwilling to strain the usual practice of the Court, which was not to hear a case in private except with the consent of both parties. In the clause of this Bill power is given not to hear special cases for special reasons in private, but to make rules which would operate in all cases."

So we are called upon to grant a power to the Bishops, which the Lord Chancellor himself would scruple to exercise. Here, then, with his full discretion and in entire secrecy, the irresponsible power of the Bishop is complete. And yet, my Lords, what do weighty authorities say upon discretion in any Judge? I have here an opinion—it is from a great man, and I will give you his name presently—

"The discretion of a judge," he says, "is the law of tyrants. It is different in different men; it is always unknown; it is casual, and depends upon constitution, temper, and passion. In the best it is oftentimes caprice; in the worst, it is every vice and passion to which human nature is liable."

Now this is the opinion of the Lord Chancellor Camden, a personage of weight, and it may be found in the first volume of Fearne's *Essay on Contingent Remainders*. But, if such be the case in respect of professional and trained lawyers, how much stronger is the statement in reference to Bishops, who, though rising into Judges, have never enjoyed the benefit of legal education and experience? Why, in some aspects, my Lords, the better the Bishop is as a Bishop, the less qualified he would be as a calm and dispassionate Judge. It would be beyond human nature to expect that a Bishop, sitting in power and authority in a Court, a man of earnest piety and zeal for the cause of religion, should not feel a strong, almost an irresistible bias towards the decision that seemed to be the most conducive to the interests of the Church. My Lords, I am called a Low Churchman—and I dare say I am so—but I most solemnly declare that, even were I sure of Low Church Bishops for half a century to come, I would not confer on them the discretion contained in this Bill. No one, whoever he may be, ought to be entrusted with absolute power. Again, it may be apparently small, but it shows

the hasty way in which this Bill has been drawn—Clause 13 gives to the Bishop an absolute discretion in the matter of costs, a duty to which no one is equal but a practising solicitor. Will the Judges of the land take on themselves this office? No such thing; and how then can a Bishop undertake a task so technical and minute, without the slightest knowledge of the mode of operation?

But we come now to a very important part of the Bill. It has been, and it is asserted, that this measure affects the status of the clergy. It is, I know, stoutly denied; but the affirmative can be proved. Now, observe two very leading provisions—

"The Bishop of the diocese, having received a charge against an incumbent, is to send a notice thereof to such incumbent."

Here, my Lords, attend to sub-Clause 3 of Clause 11, and mark the requirements of it—

"The incumbent, within eight days of such notice being given to him, or within such further time as the Bishop may, for some special reason, think fit to grant, may transmit to the Bishop an answer in the form prescribed by the rules and orders, denying the truth of any statement of fact made in the representation; and if the incumbent"—let me entreat your attention to the words—"and if the incumbent shall not, transmit an answer, or shall not in his answer deny the truth of any statement of fact made in the representation, such statement"—can it be possible?—"shall be deemed to be true."

Deemed to be true because the charged person is silent! Why, my Lords, this is a hard-and-fast revival of the law repealed in 1827, a return to an oppressive and ignominious state of things. There is no proof required that the notice has reached him. It shall go, says a subsequent clause, as a registered letter. But do letters always arrive at their place of destination? The incumbent may be absent, he may be sick; but, no matter—it is enough that the notice has left the Bishop's hand, who, if he receive no answer, or an answer not directly denying the charge, may pronounce him guilty, and proceed accordingly. This is very serious, for it reverses a protective and existing statute, passed, as I well remember, in the House of Commons by Mr. Peel, the first year that I sat in Parliament. The law of evidence, which, though not then acted on, was still in existence, is well described by Mr. Archbold, in his *Criminal Pleadings*—

"Formerly," says he, "the consequences of standing obstinately mute in cases of felony was forfeiture of goods and *peine forte et dure*."

The Act of 7 and 8 Geo. IV., cap. 28, sect. 2, provides as follows—

"And be it enacted that if any person being arraigned upon or charged with any indictment or information for treason or misdemeanour, shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the court, if it shall so think fit, to order the proper officer to enter a plea of Not Guilty on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same."

Why are the clergy, and the clergy alone, to be shut out from the protection accorded to civilians? Is there no touching of their status here? Is there not a distinction, and an unfavourable one, placed between them and the rest of Her Majesty's subjects? But Clause 18 is the most serious of all. "Give me this clause," said the most rev. Prelate who, the other night, propounded the Bill, "and take away, if you will, all the remainder"—an awful request, to which your Lordships will certainly refuse to accede. Here it is—

"If at any time after the service of a monition, whether such monition shall have been appealed against or not, it shall be shown to the satisfaction of the Bishop, by affidavits duly sworn, that due obedience has not been paid to such monition, . . . the Bishop shall thereupon inhibit the incumbent from performing any service of the Church, or otherwise exercising the cure of souls within the diocese."

So far so good. But listen to what follows—

"The Bishop may during such inhibition make such provision for the service of the Church, and for the cure of souls, as he shall deem necessary, and the moneys due during such inhibition to the incumbent, in respect of the performance of Divine service, and other rites and ceremonies, or for the cure of souls in the parish in which the church is situate, or for the use of which the burial-ground is legally provided, in relation to which church or burial-ground such monition has been issued as aforesaid, shall be paid to the Bishop, and shall be applied by him in first instance to defray the cost of such provision."

And then, will your Lordships believe it?—

"Afterwards to such other ecclesiastical purposes connected with the parish as the Bishop may determine."

Is this in the spirit of the law of England—is it a rule that a sentence, though appealed against, is to be executed? The most rev. Prelate (the Archbishop

of York) may quote one or two isolated cases, appearing to border on the case before us; but, I ask, is this the spirit and the usage of the law of England? Why, then, should the clergy be taken out of the category of English citizens, and be subjected to such enactments? All the revenues of the accused incumbent are to be seized; the surplus, after providing for the church service, is to be at the disposal of the Bishop. The appeal may last a year or more, and at the end, the appellant may be declared to be in the right; but all his income has been forfeited; and the Bill holds out no hope of compensation to the acquitted clergyman. He may have a large family to maintain—clergymen have generally large families. It may have been, for example, £1,000 a-year, £300 of which would suffice for the church service, and thus £700 would be at the disposal of the Bishop. A High Church Bishop might set up a reredos—all Bishops do not dislike reredoses. One was inaugurated, the other day, at Worcester Cathedral. There were Bishops present, and deans, besides abundant clergy and laity, and much glory was given in the sermon to the wealthy man who had recently so decorated that ancient place of worship. But suppose a Low Church Bishop, full of zeal—a Puritanical Bishop, as has been suggested—held the See of London. He would fall, at once, on Mr. Mackonochie's church, tear down the gold and silver, and, at Mr. Mackonochie's expense, cover the walls with whitewash, and possibly with texts denouncing the abominations which had been perpetrated there. The most rev. Prelate (the Archbishop of York) says that this is no penal measure; not so in his intention, I am quite sure; but as a matter of fact, what can be more penal than this proposed enactment? My Lords, I do protest most strongly against this mode of segregating the clergy more than at present from the laity. The more the clergy and laity are, so to speak, part and parcel of each other, the better will it be for both of them. And to close, I cannot omit to notice the power taken by the Bishops, under the Interpretation Clause, over the cathedrals. The deans must look to it. The clause defines a cathedral, to be in fact, a parish church, thereby settling, in a few words, the long denied claim of episcopal authority.

The Earl of Shaftesbury

My Lords, I will not pause to show how little is the hope of a diminution of expense or delay under the provisions of this Bill. I will simply ask to what purpose are you now directing your legislation? A few years ago—perhaps even five years ago—a measure of some kind might have been effectual. But great changes have occurred. Ritualism has got very far ahead, and it would not be possible to do more than lop off some of its excrescences. Ritualism, moreover, has become of secondary importance. Other issues far more deadly in their nature demand our attention. The other day the most rev. Prelate (the Archbishop of Canterbury) quoted to your Lordships some passages from books and things called Altar Cards, of a dark—I might also say—a desperate character. They give us ample proof that the worship of the Virgin, the Invocation of Saints, and prayers to the Apostles, are taught by ministers of the Church, and find favour among a section of its members. But how, in any way, can the provisions of this Bill touch these grave matters? Will it prevent the distribution of leaflets full of pernicious doctrine? The minister will shrink from action so material and tangible; and will reserve his heresies for the pulpit, the vestry, the ear in the closet, and the private visitation. How, I ask, will it reach the Confessional? Do not suppose that the Confessional is the idle phantom that it used to be. It is spreading very rapidly; nor is it confined, as some suppose, to a few fine folks in Belgravia and the parts adjacent. It is penetrating into all classes of society. I speak from knowledge. I know the books—books, too, bearing the names of respectable publishers—by which the poison is circulated; and I know how the minds of young and tender women of every grade are so influenced by their spiritual guides as to become familiar with things from which, at the outset, they would have recoiled with horror. I spoke to the Lord Chancellor on the subject, and showed him the passages. He commented on them, as you will readily believe, with just indignation. My Lords, if the Confessional continue unchecked—and checked it cannot be by any ordinary legislation—it will produce an entire change in the spiritual, moral, and political character of the English people, and will even-

tually sink the Establishment in inevitable ruin. Some one may say, "What, then, is nothing to be done?" I see but two courses. One by creating a strong, persistent, and united sentiment of disgust, which, being publicly pronounced, shall penetrate into private and domestic life. But this is difficult. For though there is a party hostile to these practices, there is a powerful one in favour of them; and the bulk of the nation is thinking of other things, and living in a state of utter indifference. The other, if it could not extinguish, might for a while retard, the progress of the mischief. I look to a wide, deep, and searching reform of the whole Church. But this no one will listen to. Yet certain I am, that a Bill such as this propounded to-night, will leave all the greater evils as it found them, and we shall have reason to be thankful if it do not contribute to make them very much worse.

THE BISHOP OF PETERBOROUGH: My Lords, I am compelled, by some observations that have fallen from the noble Earl (the Earl of Shaftesbury) in regard to myself, again to cross swords with him on the subject of clergy discipline. Under other circumstances I would not have troubled your Lordships with any observations, partly because on many of the details with which the noble Earl has so forcibly dealt I entertain views that are similar to his own, and also because I am aware that most of his objections will vanish in the form of Amendments to be proposed in Committee. In order to induce your Lordships to listen favourably to the few words I have to say, I must first endeavour to clear myself from the charge of inconsistency which the noble Earl brought against me in the commencement of his speech. He reminded your Lordships that upon a previous occasion he introduced a Bill giving three persons—he omitted to say that it was three persons of the diocese, not three persons of the parish—the right to prosecute a clergyman, without discretion on the part of the Bishop, and leaving, as the only protection against vexatious proceedings, the liability to pay costs in case of failure—a perfectly futile protection, inasmuch as the costs might be paid by a large Association. One of my objections to that measure was that, while parishioners had a legal right to

have the services of their church conducted according to the law of the Church, other persons who, although in the same diocese, were yet strangers to the locality interested, had neither the same grievance nor the same right to interfere. If the noble Earl's measure had been passed, any parishioner might have proceeded to harass and worry any clergyman in the same diocese without the discretion of the Bishop; and it is strange that the noble Earl, who has been the strongest advocate to-night of the liberties of the clergy, should then have been so anxious to withhold from the Bishop a discretionary power which would in reality be a great protection to the clergy. It seems to me I am quite consistent in maintaining now, as I did then, these two principles—that the persons who have a right to complain are the parishioners, and that the proper protection to give to the clergy is the discretion of the Bishop, and not the futile protection which results from the liability to pay costs. The noble Earl has paid me the very high and rare compliment of adopting a great deal of the language which I used on the occasion of our former unfortunate encounter. He has sought to show, in regard to the present Bill, that while it facilitated prosecutions on one side, it would at the same time open the door to reprisals from the other, and that we should not only have Low Churchmen prosecuting High Churchmen, but High Churchmen prosecuting Low Churchmen. I spent much time on the occasion to which I have alluded in speaking on this very point, and I am so pleased to find the noble Earl adopting in the present discussion the part which I then took that I can bear with equanimity the language which he has used in regard to myself. The noble Earl has accused me of having employed “unsavoury” language in addressing this House. I trust I have done nothing to merit the charge; but I can say that the noble Earl himself has used—not in this House, it is true, where he could have been answered—but in the heat and excitement of public meetings—language with regard to the Bishops, and in their absence, which some persons might think verging on the “unsavoury.”

THE EARL OF SHAFTESBURY:
Will the right rev. Prelate be good

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enough to repeat the expressions to which he refers, and which he seems to regard as improper?

THE BISHOP OF PETERBOROUGH:
I did not use the word “improper.” What I said was that the noble Earl used language with respect to the Bishops which some persons might think verging on the “unsavoury.” The noble Earl, for instance, described us as being “mealy-mouthed;” but I admit that was a small matter. He, however, went on to point out that we referred certain matters to a Committee—which, by the bye, were not referred to a Committee at all—and he was pleased to add that we did this in order to ascertain whether certain practices were or were not in accordance with the rubrics, we knowing perfectly well that they were not in accordance with the rubrics. The meaning of that is that we, knowing certain practices were opposed to the rubrics, affected to consider they were not, and were thus guilty of false pretence and hypocrisy. Now that I think is language which somewhat verges on the “unsavoury,” and which, as a Bishop, I should be very sorry to use respecting the noble Earl. The noble Earl objected at great length this evening to the details of the Bill before your Lordships, and strongly protested against placing the Bishops in a judicial position, for which, he tells you, they are totally unfitted. The noble Earl goes even so far as to say that the better a Bishop is the less judicial his mind is likely to be. Well, I listened, I confess, to that statement of the noble Earl with some astonishment, because in a Bill relating to Ecclesiastical Courts and Registries, which was introduced in 1872 by the noble and learned Lord on the Woolsack, on behalf of the noble Earl, who was then abroad, and which I must take as representing his mind, I find it provided that among the Judges of the Provincial and Diocesan Courts the Archbishop of Canterbury and the Archbishop of York shall each within his own Province be the chief Judge in the Diocesan Court, and each Bishop within his own diocese. Now, there are Bishops and Bishops, but the noble Earl tells us they are all entirely devoid of anything like a judicial mind, and yet he proposed, only two years ago, that all these unjudicial Bishops should be

Judges. The only inference I can draw from this is that—taking the noble Earl's own principle—that the better the Bishop the less fit he is to be a Judge—he has come to the conclusion that every Bishop was two years ago as good, but is now as bad as he can be. The noble Earl laid great stress upon the proposal that if a clergyman did not plead in reply to a statement of fact, he would be regarded as guilty. But if a clergyman does not plead in answer to the statutory declaration required in the Bill, he must be held to deny the fact or to admit it; and this is not like the ordinary plea of "Guilty" in a Criminal Court, as the noble Earl was pleased to say, for the clergyman by his silence will simply be held to have admitted the truth of a statement as to a matter of fact which is afterwards to be tried as a matter of Law. You must also bear in mind that the clergyman is protected by the discretion vested in the Bishop, and that he is not, in the second place, pronounced guilty in the same sense as an accused person in a Criminal Court, in which punishment follows the sentence. He will merely be told if he has done certain things, not to repeat them; and if he says he has not done those things, what possible harm, I should like to know, can the sentence do him? The effect of the sentence will simply be that the clergyman will be required to refrain from doing or saying certain things which he may or may not have said or done. The question whether this provision be wise or not still remains, but that is an entirely different one from that which the noble Earl sought to impress on your Lordships' attention. The noble Earl also dwelt on the severity of fining a man with £1,000 a-year £700 before he might have been found to have been guilty of the practices alleged against him. Now, the answer to that is that he will not be fined a single shilling *pendente lite* if only he does as a man of common loyalty ought to do—obey the sentence of the Court of Primary Instance until his appeal is decided. Yet it was in speaking of such a provision that the noble Earl felt it to be his duty to draw the moving and sad picture of a poor clergyman compelled to pay £700. If ever it should be my fortune to be a defendant in a Court presided over by the noble Earl, I hope I might appeal

to his sense of charity—when not dealing with Bishops—for a better measure of justice than has characterized his remarks this evening. He went on to tell us that the Bill, which aimed at certain practices, would not stop others to which he called your Lordships' attention. Now, as to the "other practices" which he so eloquently denounced, I will only say that I agree with every word which fell from him with respect to them. I do not believe it is possible to exaggerate the danger to the Church—and what is more, the danger to the character of the English nation—than the introduction into this country of the Roman practice of auricular confession. In saying that, I wish to abstain from using language which would be in the slightest degree offensive to the members of the Roman Catholic religion. I am sure they will pardon me when I tell them that I am as strongly opposed to having my church Romanized as they are to having theirs Protestantized. There was not a word, therefore, which the noble Earl uttered on that subject which does not find an echo in my heart; and in spite of all he has said against us I most heartily thank him for what has fallen from him on this point. But to what does the argument of the noble Earl amount? Simply to this—that a measure which is aimed against certain practices is to be rejected because it will not have the effect of repressing others. That is an argument against all legislation whatever. I have now dealt with some of the objections which have been urged against the Bill, but, in consideration of the time which I have been compelled to devote to answering the noble Earl's charge against myself, your Lordships will perhaps permit me to trespass on your attention a little longer while I say a few words as to the unhappy necessity for this legislation, and as to what the real evils are with which we have to deal at the present moment. Without entering into details, which will be better discussed in Committee, the questions which we have now to consider are—Is the proposed legislation necessary, and, if so, is the principle on which this House is asked to proceed sound or unsound? All the rest is matter of detail and machinery. Now, as to the necessity of this legislation, I frankly admit there is something anomalous, and even, per-

haps, dangerous, in cheapening and sharpening the processes of ecclesiastical procedure, when the law itself is in any respect doubtful, ambiguous, and uncertain. The natural and logical course of proceeding would be in the first place to let people know what the law is which they are expected to observe; and then, if the law were found to be defective, to amend and simplify it, and then to take strenuous measures for its enforcement. To cheapen ecclesiastical procedure before you reform and define the law may not tend to increase discipline, but to multiply litigation. In this instance, however, I contend we are under the unhappy necessity of proceeding more rapidly instead of waiting to some remote period for a complete reform of the law. I say this not merely because individual acts excite, on one side or another in the Church, dissatisfaction, but because there are clergymen who tell their congregations that, law or no law, they will not read the Athanasian Creed, and who, if they receive the admonition of their Bishop, say that they will send it to their lawyers. We are told that we should govern the Church by fatherliness. Now, I must be allowed to say there is something very one-sided in this cry for fatherliness from the Bishops when they meet with no filialness, and I should like to have some reciprocity. When a monition is to be flung back in my face, and I am to be told that I am "neither a gentleman nor a divine," and that "my conversion to Christianity is to be prayed for," I must say I should like to see a little filialness on the part of those who are demanding this fatherliness. I honestly desire, as far as I can, to be fatherly towards these men, but when I hear this advice given to us I am reminded of the solitary instance in which a ruler attempted to govern in this fatherly fashion, and that his name was Eli, while his sons were Hophni and Phineas. Well, but will these men obey the decisions of the Courts? They say they will obey no decision of a secular Court, simply because it is secular. What are the words of a gentleman, a leader of this party, who favours us with a book every now and then, denouncing the tyranny and iniquity of the Bishops?—

"That the Church of England is at present

in possession of no courts of law, free from the infection of secularity, which can be recognized by Catholics."

But it might be expected that these men would obey the decision of a Spiritual Court or of a Synod. On the contrary, they say a clergyman is first a priest of the Catholic Church before he is a clergyman of the Church of England, and if he finds that anything is required of him which is opposed to what he considers to be, or is pleased to say, is Catholic usage, that his allegiance to his own Church is thereby dissolved, and he is not only free, but bound to disobey that Church and obey his own interpretation of what he calls Catholic usage. Now, as you cannot have a General Council sitting *en permanence* to decide disputes between incumbents and Bishops; if the incumbent is to take what he deems Catholic usage, and is to be its sole interpreter, it comes to this—that he is to do simply what he chooses. The same writer, speaking of a decided violation of the rubric, as he admits it to be—namely, the rubric which says that the Sacrament shall not be reserved, and he proposes that it shall be reserved—proceeds to say how this shall be dealt with—

"We may in the first place appeal from the letter to the spirit of the English Church, disregard the written law, and cast ourselves on the unwritten instinct of the Catholic Church."

What will be the condition of a parish in which the incumbent, in defiance of the complaints of the parishioners, casts himself on the instinct of the Catholic Church? We have heard a great deal about the tyranny of the Bishops. I ask whether there may not be such a thing as the tyranny of the incumbent over his parishioners? It is the fashion to sneer at the "aggrieved parishioner," who sometimes may be, and often is, an unreasonable and cantankerous animal; but the parishioner who walks into his parish church, and finds a man who has turned it, without faculty, leave, or licence, into the most absurd imitation, in his view, of a Roman Mass-house, and sees performed before his wife and children the full-blown service of the Roman Mass, with the only consolation that the incumbent is throwing himself on the stream of "Catholic tradition and usage," is a very aggrieved parishioner indeed; and as the law holds there is no wrong without a remedy, it is, I

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think, incumbent on your Lordships to find some immediate remedy for this grossly outraged and aggrieved parishioner. When we find a clergyman in the city of Bath, at a meeting presided over by a genial and robust Archdeacon, standing up and saying that "incumbents are to be Bishops in their own church, and to be subject to no interference from any person whatever," it is high time to pass a law to meet such a state of things. There is a wide difference between a man's doing a thing which may be illegal, believing that there may be a great deal to be said for his own view of the law on the subject, and hoping to have the law reversed in his favour, and a man's saying that he will obey no law, and will do what pleases himself. No Church and no institution can safely continue to disregard open, deliberate, and avowed insurrection like that. And to stay your hand in putting down rebellion until you have reformed the law may result in this—that by the time you have reformed the law you may have no Church in which to enforce the law. I say, then, most reluctantly I am brought to the conviction that some legislation to arrest this defiant lawlessness is necessary. Therefore, I will vote for the second reading of this Bill; nevertheless, hoping that it will be largely modified in Committee, and believing that it is not required for the great majority of the clergy, who I know are loyal to the heart's core to their own Church, and who are sneered at and even detested for their loyalty by these extreme men. It is with great reluctance I would do anything that even appears to trench on the liberties of the loyal clergy—men whom I know to be as loyal to the Church as men can possibly be, and whose position I nevertheless believe to be unfortunate, although in some respects they have made it so themselves. I wish they had done that which they ought to have done a few years ago, when an unfortunate prosecution was brought to an unfortunate decision. If they had submitted under protest to what seemed to them to be bad law, and had then used all their energies to bring about a repeal of that law—in which I would heartily have aided them, as I would do to-morrow—and I know what bitter obloquy this would bring upon me—if they had done that they would have been in a far better position

now, and the Church would also have been in a far more peaceful and happier position. But those men got themselves into a false position from which I should be glad to see them extricated, as I hope they will be, by the reversal of that unintelligible judgment. I am happy at last to come round to a point of agreement with the noble Earl (the Earl of Shaftesbury). I agree with him that legislation of this kind will not touch the real root of the evil. What is the real root of the evil? It is that we have governed—or rather we are attempting to govern—the Church of England by obsolete law. The laws of the Church were passed more than 200 years ago. There was then distinctly a compromise between two great parties in the Church. The word "compromise" is written all over the face of the Anglican Prayer-book, and I rejoice in the fact. But that compromise has necessarily shifted its limits and its position in the 200 years that have passed since it was made; and the position in which we are now is this—that the rubrics of the Church, having been framed for a state of things existing 200 years ago, will not fit the present state of the country, just for this reason, that they did perfectly fit, or may be supposed to have perfectly fitted, the country 200 years ago. The more perfectly they suited the England of the Reformation the less likely are they to suit perfectly the England of the 19th century. Wherein lies the real difficulty? It is that for years past those obsolete laws, hard-binding the Church as they do in garments 200 years old, have been found to straiten and hamper the clergy in their most legitimate work in every direction; and the consequence has been that the clergy have long been obliged to set aside the rubrics here, and that with what I call the wise connivance of the Bishops. When the clergy have consulted me about some small deflection they have made from the rubric that was necessary in some part of their work I have said to them, "Do it and don't tell me of it." That means that the law is so unsuitable that you can neither fully enforce it nor fully obey it. The Bishop has before him three courses. He may enforce the law all round, or relax the law all round, or he may select certain portions of the law and enforce them. To enforce the rubrics on everyone equally all round is an

impossibility, and the Bishop would be simply mad if he tried to do it. On the other hand, to relax all the rubrics would be to subvert all discipline and authority, and to create chaos and confusion; while the former course would produce tyranny and dead-lock. If you are to avoid these evils, then, you must have that very discretion of the Bishops which the noble Earl so strongly condemns. But you must have some such discretion as long as you have a human system of laws to deal with. No human system of law can be self-acting. There is only one system of laws which is self-acting; and He who appointed that self-acting system of laws, with its occasionally severe incidents, has another world in which to set right the seeming inequalities and hardships which arise in this world. There is no human system of law but will require a great degree of discretion in those who administer it. If, then, neither general interference nor general relaxation is practicable, and if it is dangerous to extend too far the necessary discretion of the administrators of the law, does not this point to the need of a thorough and searching Church reform? [The Earl of SHAFESBURY: Hear, hear!] I am glad to have the approval of the noble Earl, who would not, perhaps, altogether agree with me in the direction he would take, but who, advocating greater laxity for those whom he so eloquently represents, would, I hope, in common justice extend that laxity to those from whom he most differs—always excepting the Bench of Bishops. You need some alteration of the laws of the Church—to re-make, in fact, the compromise made at the Reformation. You need, above all things, to give the Church some power of internal self-regulation as to these minute details of rubrics. The difficulty of the Church has been the being obliged to come to Parliament for the smallest alteration in the rubrics and canons; so that things have remained unaltered which her Synods would in a few days or weeks have altered from time to time to meet the varying exigencies of the moment. I am far indeed, from desiring independence of the State, but I desire the power possessed by the sister Establishment, the Scotch Kirk—the power of self-adjustment that prevents the constant breaking out of bickerings and strife, tearing the Church asunder. Representative

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assemblies—the representation of the laity being as necessary as that of the clergy—should have the power of fixing such re-adjustments as shall suit the varying exigencies of the Church's position and work, subject to any veto from Parliament you choose, but treated with a generous and hearty confidence. The good sense and good feeling of the great majority of the English laity and clergy, left to themselves in the free play of such assemblies, would very soon find out a *modus vivendi*, a happy solution of these unhappy differences which, wanting some such solution, must continue from time to time to rend the Church, distract the attention of Parliament, and seriously strain the tie that binds together the Church and the State.

LORD EBURY said, he should support the second reading of the Bill. If the right rev. Prelate who had just sat down was gratified on hearing his own remarks adopted by the noble Earl who preceded him, how great must his (Lord Ebury's) satisfaction be in listening to the right rev. Prelate repeating all his arguments, showing the absolute necessity for a reform of the canons and rubrics of the Church? He would remind their Lordships that some years ago he himself had introduced a measure for their revision, which, however, did not find favour, but which, if adopted, would have prevented many of the evils now complained of. He hoped that the introduction of the present measure would bring to light many of the difficulties that now existed, and by showing where the shoe pinched, compel such a revision of the laws of the Church, and in some respects of the Prayer Book, which placed impediments in the way of the free working of the Church.

THE DUKE OF MARLBOROUGH said, that the right rev. Prelate (the Bishop of Peterborough) had to a great extent thrown over the principle and object of the Bill when he asserted that what was required was a thorough and efficient reform of the Church. If that was his decided opinion, the right rev. Bench were beginning at the wrong end, and were proposing a remedy by means of the most imperfect legislation. This Bill, if the reforms so eloquently sketched out were actually required, put the cart before the horse, and would initiate a confessedly imperfect policy

instead of striking at the root of the evil. The two most rev. Primates had drawn a fervid picture in order to show that a Bill was necessary, and therefore this Bill; and one of them (the Archbishop of York) had defended it as in conformity with the Report of the Lower House of Convocation in 1869. That Report, however, recommended, not the creation of a new Court, but a reform of the existing Consistorial and Diocesan Courts, so that they should be made efficient for administering the law for remedying abuses of this kind. That was a most important distinction, because under the Bill a third Court was to be established, and a Court of almost unknown powers. The objections to that course had been so fully and ably stated by the noble Earl (the Earl of Shaftesbury) that it was not necessary for him to do more than allude to them in passing. In his opinion, it would be a cause of the gravest apprehension, and even of danger, that a Court should be constituted in each diocese, as was proposed in this Bill, with unlimited power of dealing with cases of the most difficult and complicated kind—such as those which were certain to arise out of the manner of conducting the services and ritual of the Church. How were such cases to be presented to and argued in those Courts? They all knew that cases of a similar kind had been investigated by the highest tribunals, and had engaged the attention of the most learned men who practised in those Courts; and they knew, too, what time the causes had occupied, and what trouble and expense they had involved. Could it be supposed that a different state of things would exist in the proposed Bishops' Courts? Why, in those Courts these difficult cases would be decided by a Judge having no legal training, assisted only by his Chancellor, who might or might not be a legal man. But, even supposing that those Courts could be regarded and recognized as adequate tribunals, what would happen? Courts which expounded law to a certain extent, made law by making precedents. They were to have 24 such Courts—who might, perhaps, give 24 different decisions—and he could conceive no greater state of confusion than would arise from such a diversity. Differences of religious conviction prevailed among clergy and laity,

and in that respect Bishops were like other men—they had their own proclivities and their own religious convictions; and who could doubt that the decisions of the Court would be influenced by the particular bias of the Bishop's mind in respect of the question on which he had to pronounce judgment? Again, the clergy who practised those performances in the churches which were the subject of reprehension were earnest men, who were not likely to be satisfied with the decisions of the Bishops' Courts, and it was idle to suppose that they would not carry those decisions by way of appeal from Court to Court, backed by their own funds or by funds contributed for the purpose. Then, after a time, the jurisdiction of those Courts would be found so unsatisfactory, and their decisions so uncertain, that it would be found necessary to transmit the cases brought before them direct to the Superior Court. So that it was idle to suppose that litigation would be either checked or cheapened by this Bill. Their Lordships could not fail to recognize the importance of the subject, and that being so, he would urge upon the most rev. Primates the desirability of their not proceeding with this hasty legislation, but that they would rather be content with the steps they had taken and the expression of opinion that would be elicited by the second reading of the Bill, that the subject was one which required to be dealt with. The Bill bore evidence on the face of it of having been drawn in a hasty and ill-advised manner—and, indeed, the most rev. Prelates had invited their Lordships to consider Amendments which they were prepared to recommend in its provisions, thus acknowledging and apologizing for its failings and short-comings. The most rev. Primates had brought before their Lordships' House the great and glaring abuses to which they desired to apply a remedy, but he was strongly of opinion that a matter of such great importance should be taken up by the responsible Government of the country. His noble and learned Friend on the Woolsack had completed the Herculean task of framing a system of judicature for Ireland and Scotland, and it would be a light and trifling task to him so to amend the procedure of the existing Ecclesiastical Courts as to make them available for the purposes sought to be

obtained by the Bill. He appealed to Her Majesty's Government seriously to consider this question, with a view to producing a measure which he had no doubt would meet with the sanction of their Lordships' House.

EARL NELSON said, that their Lordships were placed in this anomalous position—that they were asked to consider, not the Bill which they were called upon to read a second time, but a Bill which was to be largely amended at a later stage. The most rev. Primate (the Archbishop of York) had deliberately stated that the Bill was framed on the lines of the Report of Convocation in 1869; but certainly, according to that scheme, a single parishioner could not set the law in motion.

THE ARCHBISHOP OF YORK explained that he said there were very few points in the Bill which had not been deliberately considered by Convocation and reported on in 1869.

EARL NELSON said, he was under the impression that the most rev. Primate had asserted that the provision respecting the one parishioner had been assented to by Convocation. That body in reality thought the law ought not to be set in motion by a fewer number than three parishioners, who were, moreover, to be communicants of the Church of England. He very much doubted whether the Amendments which were to be proposed would meet the difficulties which must arise. At all events, he hoped considerable time would be allowed to elapse before the Bill went into Committee, in order that the Convocation of the Northern Province might have an opportunity of expressing its opinion on the merits of the measure. It was, he admitted, essential that the existing state of resistance to authority should be put down; but, at the same time, it should be remembered that the lawlessness was caused to a great extent by a want of cordiality and affection between the Bishops and the clergy; he was very much of opinion that if the Bishops had been more in the habit of taking counsel with their clergy, a better state of things would have prevailed than existed at present. He was justified in this belief by what had occurred in his own diocese of Salisbury, where, owing to the wise rule of Bishop Denison, the loving rule of Bishop Hamilton, and under their present Diocesan, who had called together

his clergy and laity in a diocesan synod, no such lawlessness was found to exist. Again, much of this lawlessness was more apparent than real; for many of the faults which were now imputed to the clergy, arose from their earnest desire to regulate their service according to the Prayer Book—in doing which they probably oft-times misinterpreted the law. It was true, there had arisen a new sect—with which he had no sympathy—which, instead of appealing to the usages of the early Church, was deliberately trying to introduce Mediævalism into the Church of England. What, then, ought to be done, was to ascertain what practices were legally permissible, instead of instituting a kind of Star Chamber in our anxiety to put them down. Certainly, we ought not to wish to create a schism. If the Bench of Bishops had endeavoured to obtain the confidence of the clergy, he believed that confidence would have been won. If they had told them what they were going to propose, and had laid their proposed legislation before the two Houses of Convocation, they would probably have found no difficulty in obtaining their co-operation in providing a remedy for admitted abuses. The way in which the Bishops had acted in bringing forward this measure had tended to aggravate the minds of the clergy.

- 1st. By an attack by two of the Bishops through the curates upon the incumbents.
- 2nd. By bringing out an abortive measure, just announced in the columns of *The Times*.
- 3rd. By refusing at first to put off the Bill before the meeting of Convocation. He regretted, also, that the most rev. Primate (the Archbishop of Canterbury) should have brought forward the question of the "altar card"—a question which had nothing to do with the measure before the House, and its introduction was calculated only to cause feelings of irritation—and had referred with approval to the action of the Bishop of Durham in his opening address on the introduction of the Bill. The passing of this Bill would make the clergy think that every man's hand was against them—that none of them would be safe from the action of the Bill. He was in favour of giving discretion to the Bishops, but not until some rules were made, clearly defining how that discretion should be exercised; otherwise, a great deal of confusion and heart-burn-

ing would be caused by the conflict between the decisions of different Bishops. What was more likely to ruffle the feelings of the clergy than the enforcement of the powers which the Bill would give to promoters? A man who had bought merely a pig-sty in a parish might disturb the whole parish by starting proceedings against the incumbent, and before his charge was heard he might go off to America. Of what avail would it be to the incumbent if, at the last, he succeeded in getting an order that that man should pay the costs of the inquiry? On the other hand, official objections would actually pre-judge the case. If he (Earl Nelson) read the Bill rightly, a clergyman under it would be subject to punishment for an act of his predecessor in placing something in the church which might be declared to be illegal, or of a churchwarden who refused to remove things which had been ordered to be removed. If this Bill passed, the clergy would be liable to proceedings against them in three different Courts—the old Consistory Court, the Court under the Church Discipline Act, and the Court under this Bill. If the Bill were passed hurriedly now, when the minds of the clergy were ruffled on the subject, it would be impossible to carry it out—because, to carry out a measure of this sort, it was necessary that the clergy should be in favour of it. He believed that, with the aid of the Report of the Committee of Convocation of 1869, the old Consistory Court could be rehabilitated in such a manner as to make it a simple, speedy, and inexpensive means of dealing with the matters to which this Bill related. It did not appear to him that in a matter of this kind speedy legislation was absolutely necessary, and he therefore implored their Lordships not to hurry through a Bill which might possibly create more evils than it proposed to remedy.

THE EARL OF HARROWBY said, that the advice of the two noble Lords who had preceded him was, that they should wait and do nothing. Everybody admitted that a great and pressing evil existed—that there was a cry throughout the country that something should be done; everybody had said for years past that the Bishops were blameable because they did not take more active steps in the matter. He thought the very last charge that could be brought against the

Bishops was that they were now interfering precipitately. It was said that they should have consulted their clergy, and checked these proceedings by adopting a firm, but “paternal” course towards them. Why, what had the Bishops been doing for the last 20 or 30 years, but waiting and paternally remonstrating? The Bishops in the Upper House of Convocation had passed the most solemn condemnation on the practices in question, and in the strongest and most feeling manner had urged their clergy to abandon those practices. And what had been the result hitherto? Their “paternal” advice, as it was called, had been laughed at, and consequently there was a loud and universal cry that some remedy must be proposed; and when at last the Bishops came forward, under the conviction of an overwhelming necessity, every kind of objection was raised. The Bishops were compelled to confess that they were powerless to do what was necessary, and asked that more powers should be confided to them—and they were immediately met with the cry that they were tyrants. The Church did not exist simply for the benefit of the clergyman, and to enable him to indulge his whims with an immunity that was denied to his parishioners. Yet some of these clergymen snapped their fingers at their congregations, as though nothing but the whims of the clergy was of the least consequence, and drove their congregations either to dissenting meeting houses, or to attend services that were condemned by the highest authorities. It was the habit of Englishmen to obey the law, and there ought to be no exception from this principle in the clergy more than in any other order of the people. It was no use fighting a battle over dead clauses—clauses already abandoned by the proposers of the Bill. He would rather express his thanks to the right rev. Bench for having come forward manfully and in a body to give the House an opportunity of dealing with this serious difficulty. Our churches were more and more departing from those of our ancestors and from those of our childhood, and we had now to go into gewgaw buildings covered with all sorts of ornaments in imitation of the churches of the Middle Ages. One of the great difficulties of the case was that when any attempt was made to check the growing

evils of Ritualism, even the moderate men of the High Church party threw their shield over extreme practices in which they did not themselves take part, and complained, without any reason, that they also were attacked. Herein lay the great difficulty of dealing with the matter. He hoped the Amendments which were to be proposed from the right rev. Bench would meet the chief objections that had been raised to the Bill as it stood. The great thing was that there should be an easy means of complaint to the Bishop, that there should be a speedy hearing, and that he should hear the matter in open Court. The best security that there would be a wise discretion exercised was publicity, and there was every reason to hope that, with a legal assessor at his side, the Bishop would be able to draw a distinction between minor matters which did not call for interference and serious departures from the principles and practice of the Church of England. For himself, he thought that having before them the practices of the Church of England during three centuries; and, admitting with the Ritual Commission the force of practice in the Church, there ought to be no difficulty in providing for uniformity and propriety of worship.

LORD HATHERLEY expressed an earnest hope that the Bill would become law in the course of the present Session. They had heard much of the ruffled state of the minds of the clergy—but he should like to refer to the ruffled state of the minds of the laity. He had enjoyed agreeable intercourse with men of all parties in the Church; but on two occasions only, and then by accident, had he been compelled to join in observances of the kind now under discussion, and he had then been a witness of the perplexity, annoyance, and pain which were caused to many worshippers by gross departures from the services given in the Book of Common Prayer. While the minds of the worshippers should have been absorbed in the performance of the highest acts of religious devotion—when their minds should have been filled with peace and goodwill to all mankind—they were disturbed and irritated by the introduction of hymns not in accordance either with the directions or with the doctrines of the Prayer Book, and the sense of which it was sometimes impossible to follow. When

strange customs like these were set up it was high time to apply a remedy. The very essence of “common prayer” was that it should be prayer in which all were agreed, as set forth in the preface to the Prayer Book, and nothing should be introduced that was not therein contained. The Act of Uniformity was conceived in a spirit of entire charity and love. Every effort was made to secure that prayer should be at once as comprehensive and as simple as possible. Under the rubrics, doubts that might arise as to the directions given might be settled by a reference to the Bishop. But, instead of the Bishop continuing to hold this paternal position, it had become common for young clergymen, within the last 30 or 40 years, to say, “If he can force us, well and good; if not, we shall do as we please.” One of the clergymen who had been examined before the Ritual Commissioners assured them that he had made no changes in the services at his church which were not made at the desire of the congregation; but it turned out that his congregation were not his parishioners, and he (Lord Hatherley) drew the inference that the parishioners had been driven away from the church by the practices which had been introduced, and their places supplied by a number of persons who sympathized in these practices. The number of clergymen who pursued the courses complained of was, he was happy to think, exceedingly small, but then it was an increasing number; for while the large parish churches, such as those of St. Margaret’s, Westminster, St. James’s, St. George’s Hanover Square, or St. Martin’s-in-the-Fields, were, he believed, totally unaffected by the particular species of disobedience to the law, against which the Bill was aimed—because in them the parochial system was well carried out—there were churches whose congregations, drawn from different quarters, felt no interest in that system, so that the clergyman found no difficulty, in large towns like London, in surrounding himself with a body of sympathizers. He knew a church, built by a munificent Member of the other House, which that hon. Gentleman was prevented from attending owing to the practices in question being carried out to the fullest extent. Now, that was a state of things which surely called for some remedy.

The Earl of Harrowby

He denied the inconsistencies that had been alleged in the judgments in ecclesiastical causes which had been delivered within a short time of each other. In reply to the noble Earl who had spoken last (Earl Nelson) he might be permitted to say that the judgment to which he alluded had been most carefully considered, that it was the law of the land, and that so long as it continued to be so, it ought to be obeyed. If any of the clergy thought the law, thus declared, unjust or defective they might seek to have it altered by all lawful means; but where it existed it was their duty as good citizens to obey it. In saying they would not obey the law, some clergymen took, in his opinion, a most extravagant view. Was it not one of their highest obligations, he would ask, as citizens, to render that obedience? If everyone were permitted to act in accordance with his own peculiar doctrines, how could those great works to which the noble Earl opposite and the noble Earl below him had that evening directed attention ever be achieved? He trusted the time would arrive—and would arrive shortly—when the clergy of the Church would rise to a higher tone of mind than that which led them to dissipate their energies in disputes about ceremonies, and that they would become duly impressed with the work that they had to perform against sin and evil, and seek how they might live to unite against the common enemy. They had a great work to perform—a work which could only be accomplished by the action of an united body of clergy and laity, acting in accordance with the law which had been sanctioned by the practice of 200 years, and which he trusted would endure for all time. He trusted that many of those who now resisted the law, would some day remember the dying thought of one of the saints of our Church (Hooker) who said—“I am meditating on the beautiful order and obedience of the holy angels, without which there would not be peace in heaven; would it were so on earth!”

THE MARQUESS OF BATH was prepared to admit the necessity for some legislation on that subject, although he should like to know what that legislation was to be. A right rev. Prelate had told them that a series of Amendments was to be proposed in Committee which would practically meet the objections

taken to the Bill by the noble Earl opposite (the Earl of Shaftesbury). They were virtually asked, therefore, to assent to the second reading of a measure the provisions of which were not before them. The evils sought to be remedied by the Bill were the want of discipline in the Church, consequent on the length and expense of the hearing of cases before the present tribunals; the want of obedience to the law on the part of the clergy; and the want of uniformity in the services of the Church, whereby the feelings and even prejudices of congregations were offended. Now, ecclesiastical offences might be stated as being of three kinds—they were against morals, against doctrine, and against ritual. Of all the three, the offences against ritual were clearly the least important; and yet it was with them alone that the measure exclusively dealt. Ritual was only the sign of doctrine—it was, as it were, but the *shibboleth* of party; and they might make ritual signify one thing to-day and another thing to-morrow. As to obedience to the law, which the clergy were called upon to observe, he maintained that the Bill did not in any way enforce obedience to the law. What it did was to make the clergy obey the Bishops, while it left the Bishops perfectly free. He denied that the measure would promote uniformity; it would rather promote that most dangerous heresy, the doctrine of Papal infallibility. That doctrine was defended in the Church of Rome on the ground of the uniformity it produced. But in the present case they would have infallibility without uniformity. They would have 24 different infallible authorities, leading to wide divergences in different dioceses, according to the views and feelings of the particular Bishop. They proposed to call on the clergy to give implicit obedience to an undefined law—a law resting on the judgment of a fluctuating tribunal appointed at the will of a Minister. In the same voice that they were called upon to obey the law, the clergy were told that the law was obsolete and impracticable; yet under that law they were placed at the mercy and discretion of the Bishops; and the Bishops themselves were, under the Bill, practically placed in the invidious position of being both prosecutors and judges. Obedience to the Bishop was substituted for obedience to the law,

and in the name of repressing lawlessness greater lawlessness was created by making everything depend on the arbitrary power of the Bishops. It might be said that the episcopal order could be trusted with that power; but the Bill implied that the clergy could not be trusted with liberty; and if that were so, how could right rev. Prelates be trusted with commands, being, as they were, selected by the Minister of the day, and not always for their skill in governing or in dealing with men? The Convocation of Canterbury, and the clergy wherever they had had an opportunity, had expressed an opinion against the Bill, which would create difference instead of uniformity. With regard to one objection that had been raised, he would venture to propose a remedy. Instead of allowing one or two persons in a congregation, who might be incited by societies, to initiate proceedings, he would suggest that the power should be confided to a majority or large minority of the congregation, represented by the churchwarden, who, with the minister, should go before the Bishop, who should give his decision in open Court, subject to appeal to a proper tribunal of ecclesiastical Judges. He thought that a proposition of that kind, as being least likely to give offence to any party in the Church, would be a better settlement on that point than the proposals contained in this Bill.

LORD SELBORNE: My Lords, in the eloquent and remarkable speeches of the noble Earl (the Earl of Shaftesbury) and the right rev. Prelate (the Bishop of Peterborough) many large and important topics were introduced, which, I think, were in great measure extraneous to the subject now before the House, and on some of which I would rather not commit myself without necessity. Into those questions I do not propose to enter. I must, however, emphatically dissent from the noble Duke (the Duke of Marlborough), who objected to the introduction of this Bill by the most rev. Primate—as though he were a mere private Member—and argued that such a Bill ought only to proceed from the Government. I can imagine what the noble Duke would have thought of a Bill on this subject introduced by a Government not composed of those united with him in political opinion; but I must suppose, that he would have

been more lenient to one proceeding from his political friends. I do not myself say that there are no circumstances which could justify Government in introducing a measure on such a subject; but from no quarter could it have emanated with so much propriety and authority as from the most rev. Primate—more especially when he was understood as authorized to speak to a great extent on behalf of the right rev. Bench. Had laymen taken on themselves to initiate this legislation, the many and formidable objections urged to-night would have been multiplied tenfold; and the clerical objectors, who are the strongest opponents of the Bill, would have asked with considerable appearance of reason why the Bishops, the rulers of the Church, did not propose legislation, if legislation were necessary? Whatever difficulties there may be in the subject—and they are undoubtedly great—whatever criticisms friend or foe may offer, your Lordships will not only do justice to the most rev. Primate's purity of purpose and simple desire to perform a plain duty, but will make allowance for the inherent difficulties of the matter, in judging of those provisions of the Bill which may appear most questionable. Some of these are details on which it is not necessary or proper that I should now dwell. I reserve till the Committee my opinion on such points as those relating to alterations in the fabric of the church and to the cathedrals, and even the question how far judgment should be executed *pendente lite*; but I am bound to say that some of the objections urged on that point are founded on a very narrow acquaintance with the present principles and practice of the law. Not only is the general rule laid down in the Judicature Act of last Session that the judgment of all the Superior Courts shall be executed pending an appeal, unless the Court pronouncing that judgment, or the Court of Appeal, shall make an exception in any particular case; but the same has been down to this time the settled rule of the Court of Chancery—to say nothing of the practice of any other tribunals—and that Court deals with an amount of property greater than that dealt with by all the other tribunals put together. The principle therefore is not new, and provided the judgment so to be executed is obtained in a satisfactory

way, I am not indisposed to accede to the proposal. I am not sure that I should regard it, like the right rev. Bench, as a vital provision of the measure; but the fact that they do so regard it inclines me to entertain it favourably, knowing as I do that it is not contrary to the general principles or analogy of the law. As to the fear expressed by the noble Marquess (the Marquess of Bath) and others that the Bishop would become a sort of Pope, and that we should have twenty-four Infallibilities and, consequently, as many laws, I do not think the Bill could have that effect. It must be remembered that an appeal lies to the Archbishop. There are, indeed, two Archbishops; and it is theoretically conceivable that, were no use made of the power of sending these questions to the highest Court of Appeal, there might be divergences between the two Courts; but there is hardly likely to be such a general and ready acquiescence in all the dioceses of the twenty-four Bishops, considering the keen interest felt in such matters, as to make it probable that there would be no appeals to the Archbishops' Courts, and to the highest Court of Appeal, which would tend to remove those differences. The noble Marquess used language from which persons ignorant of his real opinions might suppose that he wished to dispense with the government of Bishops altogether; for if a Bishop is to do anything, I suppose he must, to bear out his name, exercise some kind of supervision. If the argument of the noble Marquess meant anything it amounted to this—that while each clergyman, because he is a clergyman, is to do everything he pleases, a Bishop, because he is also a clergyman, is to have no power of control. But, surely, the possibility of some divergence in the exercise of the power and control sought to be obtained, is a less evil than the far greater divergence which must exist under the system so advocated and recommended. The noble Marquess said that there was, at all events, one doctrine held by a foreign communion, which would never be accepted even by extreme Ritualists, and that is the doctrine of Papal Infallibility. But there is one doctrine which might possibly result from the views expressed by the noble Marquess—and I am sometimes tempted to think that it is a doctrine held by some of those clergy whose proceedings have

rendered this legislation necessary—namely, that every clergyman ought to be his own Pope: and, if so, it does not seem to me that the doctrine of Infallibility is after all so inaccessible to the extreme Ritualist. Those who have rendered this legislation necessary really do appear to take this kind of line—they habitually put what they think proper to describe as the law of the Church against all other authority whatsoever, especially that of the law of the land: and then, as often as the law of the Church pronounces itself against them, they set up against it every possible impediment which the law of the land can furnish them with. Well, I, for one, am content that the Bishops should have some authority in the Church intrusted to them; and the real question seems to me to be, how far the present Bill offers the best mode of making that authority felt within proper limits; and whether that object could not be better secured by some more extensive Amendments than those explained this evening by the most rev. Prelate (the Archbishop of York). It may be within the recollection of your Lordships that when the Bill was introduced, I ventured to throw out, for the consideration of the right rev. Prelates, whether means might not be devised of obtaining legal decisions of doubtful questions in a manner which would command the assent of really loyal clergymen, between whom and those who set all law at defiance I drew a great distinction. In drawing that distinction, I made use of an expression which seems to have been misunderstood in reference to some recent decisions. I did not mean to say anything whatever as to the probability of a successful attempt being made to obtain a reversal of those decisions from the tribunal that pronounced them on the part of any persons whomight be accused. What I said was, that on account of the unfortunate circumstance, which the tribunal had no means of controlling, that there had not been argument on both sides, it was impossible to deny that those clergymen might have honestly persuaded themselves that had it been otherwise the decision might have been different, and that they might have retained practices which they had honestly adopted, because they believed it to be still possible that the ultimate decision, after argument, might still be different.

I never expressed any opinion on the question whether the tribunal would, or would not, hold itself absolutely bound by what had taken place, and still less as to the possibility of any new view being presented to it which would lead to new conclusions; I only drew a broad distinction between clergymen who defied the law, and clergymen who believed themselves to be obeying the law, and only hesitated to accept a decision, pronounced under those particular circumstances, as necessarily final and conclusive. To this class of men, whether their opinions or the advice on which they are acting be right or wrong, I was unable to impute any wilful violation of law. Having said so much, I wish now to observe on those provisions of the Bill which I confess I could desire to see altered. The 8th clause requires that there should be in every case a "representation" made to the Bishop, which is in substance an accusation or charge making the whole proceedings litigious and judicial, and I think unnecessarily so. I was very much struck by the reference made by the most rev. Prelate who introduced the Bill to the Declaration as to the Service of the Church which is prefixed to the Book of Common Prayer. In my opinion, the best mode of proceeding would be that which adhered most closely to the spirit and substance of that part of the existing law of the Church; bearing in mind that the object is not to alter the law of the Church, but to enforce it. Now the function which, according to that Declaration, the Bishop has to discharge is administrative and directory—it is not judicial. The three great principles in that Declaration are these—first, that when doubts and diversities arise as to the proper mode of interpreting or putting in practice anything contained in the Book of Common Prayer, the Bishop may be appealed to, and he may by his discretion—mark, "by his discretion"—make order for the removal of those doubts. It appears to me that we shall be going on the true lines of the existing law and intention of the Church, if we set in motion machinery strictly consistent with that principle. But there is also this other principle—that no such order of the Bishop "shall be contrary to anything contained in this Book;" so that a clergyman who knows or believes it to

be contrary to the Book of Common Prayer is really under no conscientious obligation to obey; and the third principle is that if "the Bishop be in doubt, then he may send for the resolution thereof to the Archbishop." For my part, I think we ought to act upon those three principles. The Bishop need not wait for a charge to be preferred by a churchwarden or other person, but should be enabled to act on his own responsibility in his administrative capacity, when he believes that the directions of the Prayer Book are not properly observed, or that anything is being done which is not authorized by it. In such case he should be authorized *proprio motu* to issue his monition, directing the clergyman to do one thing or not to do another. And I would suggest that after the lapse of a limited time, if the clergyman did not signify to the Bishop that he conscientiously believed those directions or some part of them to be invalid, or contrary to law, he should be bound by the monition until it was revoked or declared to be invalid; but that, if he did within that time signify such an objection, he should not be bound, till a decision on the question of law should have been pronounced, in accordance with the Bishop's view, by a competent Court. I think it would also be a very prudent plan to give a limited time to the Bishop, to the clergyman, or to any parishioner, to appeal to the Archbishop's Court for a declaration as to the validity or otherwise of any such monition by a short and inexpensive process, and thus to raise the question of law only, whether the monition is binding or not. I would also suggest that there should be a power of appeal to the Supreme Court of Appeal in all such cases. The next suggestion I have to make may be an impracticable one; but nevertheless I will submit it to your Lordships. It is that if no costs were awarded on either side, this would have a great effect in keeping the expenses within a moderate limit, unless there were a large public purse behind one party or the other. After much deliberation I have felt it my duty to submit these suggestions to the consideration of the House. Nevertheless, if they should fail to meet with your Lordships' approval, I shall not, on that account, be unwilling to concur in any reasonable settlement of this question,

Lord Selborne

which in your Lordships' judgment may be more satisfactory.

THE EARL OF LIMERICK said, he regretted very much that the most rev. Primate, when he introduced the Bill, should have made statements which were calculated to prejudice their Lordships' decision, and which gave to the Bill the aspect of a party measure. Surely it was injudicious to introduce questions which were not at all appropriate to the subject of the Bill. The sweeping condemnation pronounced by the most rev. Primate the other evening on the subject of altar-cards had given pain to many of the clergy. It was said that on one of these cards was a prayer containing invocations to the Holy Virgin and the Saints. Since then, however, the most rev. Primate acknowledged that this was not wholly true in the full acceptation of the word "invocation." It could be shown from the writings of the most esteemed Anglican Divines since the Reformation that the Church of England sanctioned the paying of reverence to saints and angels. It was said that among the clergy there was a state of lawlessness which did not exist among any other class of people in this country—that the clergy were equally regardless of the law and of monitions of their Bishops. The fact, however, was that, owing to contradictory judgments on questions such as this Bill related to, it was difficult for clergymen to know what the law was on some matters. The High Church clergy had not been lawless as had been represented. They thought it hard to be accused of acting in violation of their ordination vows when those of another party were allowed to disregard the plainest laws of the Church as to daily service and weekly Communion. He believed the Bishops would excite a great deal of ill-feeling against themselves by enforcing this measure, because the steps they might take would be attributed to personal feeling. One side would accuse them of doing too little, and the other side of doing too much. He regretted that the measure had been introduced at this particular time. Peace, he thought, would have been much better promoted by seeking to unite those who differed on minor matters, in great works worthy of all their energies, and calculated to carry forth the great objects which Churchmen of all shades of opi-

nion should rejoice to accomplish. It would detract from and not promote the peace of the Church, that decisions should be given which would add to the embarrassment, already sufficient, in defining clearly the doctrine of the Church, and in enforcing the observance of rubrics, some of which had become obsolete. In his opinion, a great cause of the unsatisfactory state of things was the numerical weakness of the Episcopal Bench. What was needed was more Bishops, increased activity on the part of the diocesan synods, and a larger representation of the parochial clergy in Convocation. In these ways clergy would be able to make their wishes known, and a good understanding might be expected to be brought about. It was said that there were many clergymen who desired only to be a law unto themselves; but for his part he believed that if the law in regard to rites and ceremonies were distinctly laid down by an authority like Convocation, it would be found that but few clergymen would refuse to submit to it. At present the law was in an unsettled, contradictory state, and the Courts that now and then pronounced upon it were in reality legislating.

THE EARL OF SHREWSBURY said, that though he was in favour of the principle of the Bill, he disliked it in its present form. He thought that the Bill as it stood gave excessive powers to the Bishops, but hoped that it would be so modified in Committee as to make it a measure which the country would welcome.

THE MARQUESS OF SALISBURY: My Lords, it is easy to see from the empty state of the benches that it is well understood there will be no opposition to the second reading of this Bill. It is felt, no doubt, that to resist the second reading of a Bill introduced by the most rev. Primate and backed by all the authority of the Episcopal Bench would be inconsistent with the spirit which it is always the pleasure of this House to exhibit towards that Bench, and would, at the same time, be treating an important subject in a manner quite unequal to its claims upon our attention. Speaking on behalf of the Government, I have to say that we do not oppose the second reading of the Bill. At the same time we do not hold ourselves responsible for its introduction. We are not responsible for the selection of this par-

particular moment for the moving of the question. Nor can we admit, what a noble Duke (the Duke of Marlborough) contended early in the evening, that it properly falls to Government to deal with subjects of this kind. Surely, if there be any duty which the Episcopal Bench has to discharge, it must be to take the initiative in a matter specially relating to the government of the Church. My Lords, no one can say that this Bill has been introduced without a cause. Whatever the difficulties may be which surround the subject, the lawlessness which a certain portion of the clergy have exhibited certainly calls for legislation, if legislation can be discovered of a kind which can check that lawlessness. I think an error has been made by the most rev. Prelates in assuming that these lawless feelings are shared very largely by the clergy of the Church. I believe the conspicuousness of the cases in which they occur is quite out of proportion to the number and influence of the clergymen implicated. But although the number of clergymen who act in contravention of the law is, I believe, extremely small, no one can deny that the lawlessness does exist; and it is difficult to condemn it in language which is too strong if you only consider the nature of the offence. Yet, when speaking of the acts of those clergymen, it is impossible to forget that which is attested by all who know either them or the sphere of their work—that in self-denial, activity, intelligence, in sacrificing everything for the cause they believe to be true, they are second to none and equalled by few among the clergy of the Established Church. Their moral excellence must not, however, be permitted to blind us to the political evils of the course which they pursue. It is not merely that they offend against the rights of their congregations, that they drive from many churches those who have a right to attend them; they do much worse—they excite bitter feelings on the part of persons who never see their ministrations, but who draw from them the inference that there is an influence in the Church of England tending towards that Church from which three centuries ago she separated. The feelings of the pious portion of the community are aroused in that way, and the Church loses in their affections and in its stability in the hearts of the people.

The Marquess of Salisbury

But while I fully admit that the most rev. Primate has good reason to move in this matter and to try what legislation can do with respect to it, it is at the same time, I think, impossible not to be struck—and this is a consideration which weighs much with the Government—by the extreme difficulties by which such legislation is surrounded. What, in the first place, are the points with which the most rev. Primate proposes to deal? If you compare with the offences against which this Bill is meant to guard the other offences which it leaves untouched, you will find that the latter are those in reference to which the feelings of the country are most strongly excited. Nothing, for instance, has been felt so deeply as the idea which has gone abroad that confession is being encouraged in our English families in a way in which it has never been before, and especially encouraged among those who are most impressionable—the wives and daughters of English Churchmen. Now, that being so, I do not see in this Bill a single clause which will in any degree diminish the danger which is so keenly felt in connection with this subject. Again, the most rev. Primate called our attention the other evening to the use which was made of altar cards, and actually produced one, which he laid upon the Table; but I am not aware that there is any one clause in his Bill which will prevent those practices. The same may be said of those *Penny Rituals* to which your Lordships' attention has also been called. Again, my noble Friend whom I do not now see in his place (the Earl of Harrowby) is shocked at the amount of gewgaws and gilded ornaments which he sees in our churches—I wish he could whitewash them; but will this Bill, I would ask, do anything to remedy the evil of which he complains. The noble and learned Lord opposite (Lord Hatherley) objects to the introduction of hymns in the course of the Communion Service. Well, it may be a matter of taste as to whether such things are desirable or not; but when we come to a question of dry law, I put it to the legal conscience of the noble and learned Lord, is there, except in the Third Collect, any difference between the Communion Service and any other part of the Service? The hymn before Service, which, I venture to say, occurs in every Church throughout the Kingdom, is just

as illegal as the hymn during the Communion Service to which he refers. In fact, the class of difficulties which you desire to meet is precisely that which no legislation can reach. It must be borne in mind, too, that in dealing with the rubrics you are dealing with a code of laws which not only is not, but cannot be observed. The Athanasian Creed has been alluded to this evening. How many clergy, I should like to know, decline to consider themselves bound by law to read it? I remember a most excellent Prelate who would never read the Communion Service. The fact is, you cannot sharpen your law so as to make the whole of this obsolete code observed, and in trying to do so you will strike High Church, Low Church, and Broad Church alike. There would be the greatest difficulty attending any legislation which would go simply on this principle, and if you wish those laws to be obeyed you must carry reformation to some extent into the code itself, because as you apply to it the sharpening process, in that proportion will the reformation of which I speak be necessary. There is, of course, another mode of action open to you. You may, as was suggested by the noble and learned Lord opposite, give unlimited powers to the Bishops.

LORD SELBORNE was understood to say, that his proposal was to give to the Bishops the power of initiation.

THE MARQUESS OF SALISBURY: Well, my noble and learned Friend will give the Bishop the power of initiating, and the proposal, I think, would place him in so invidious a position, subjecting him to pressure and all sorts of imputation, that I fear the office of Bishop would become one not worth having. Now, you must either reform your law in order to apply to it a reformed procedure, or you must encounter all the difficulty which surrounds the conferring of an extensive discretion on the Bishops. It is that circumstance, among others, which makes legislation on this subject so extremely embarrassing and difficult. On the details of this Bill I express no opinion—and I maintain that reserve because I do not know what those details are. It is a Bill, I confess, which was produced under circumstances which gave me the impression that no very long time was taken in its preparation—and it certainly

bears on its face great marks of haste. This has been recognized by the right rev. Bench to this extent—that they now propose to make large and extensive alterations in it; and until we know what these alterations are it would be premature to discuss the details of the measure. But the noble and learned Lord (Lord Selborne) seemed to treat with some contempt the objection taken to enforcing a monition *pendente lite*, because the Court of Chancery exercises a similar jurisdiction over much larger sums of money than those involved in these cases. The noble and learned Lord, however, should see that this is a matter much more important than any mere sum of money. No sum of money would compensate a clergyman for having to obey a monition which he believed to be contrary to the Prayer Book, and which may be afterwards set aside by a Court of Appeal. I fear that great difficulties will arise in regard to the feelings of the clergy from any legislation which contemplates the enforcement of monitions *pendente lite*. These are grounds which make the Government desirous of reserving their opinion on the Bill; but there is a larger ground of anxiety which it is impossible for any of us to forget. The most rev. Prelates have made much of the circumstance, and have taken credit to themselves for the fact, that this is not to be a penal law. I think that is a very doubtful and ambiguous benefit. A penal law is always interpreted by the Courts with great favour towards the accused; in fact, I have heard it said that some recent decisions would have assumed a different aspect if the rule which the wise and generous policy of the law applies to penal litigation had been imported into litigation of this kind. But it must be remembered that if this is not in one sense penal legislation, it strikes at interests much higher and reaches persons far more numerous, than those concerned in other trials. Unfortunately, you cannot enter upon legislation of this kind without running the risk of affecting feelings and interests far more important than those represented by any single litigant—you cannot touch this question without some anxiety lest you should interfere with the compromise under which the Church of England exists. I do not say that consideration is to debar you from legis-

lating, but it must counsel the utmost caution. I have heard people take a very military view of this subject. They have talked as though there was nothing but Articles of War of which you have to secure the observance, and if men would not observe them, let them be cashiered. It has been too much the fashion to say, "Never mind whether these people threaten secession or not; we don't care whether they secede or not; the Church of England will be better without them." Undoubtedly, that statement may be true as applied to a very small number of very lawless persons; but it is very much the reverse of the truth if it extends to one of those schools of which the Church of England consists. I doubt whether it is not very much of an anachronism to talk of secession in this matter at all. Secession has been practised from time to time by parties in the English Church. It has always left the Church weaker than before; it has always been ruinous to the prosperity of almost all the seceding parties themselves, with perhaps the solitary exception of the Wesleyans. I doubt very much whether in existing circumstances, and in the present temper of men's minds, secession would be followed now. Secession means disestablishing yourself without disestablishing your opponent—it means yielding up vantage ground; and because any such course would bring, to my mind, the greatest evil which either the Church or country could suffer, I very much fear that if your legislation could be justly accused of oppressing a large party in the Church, that large party would not secede, but would rather seek to free the Church from its relations with the State. Anything more deplorable I cannot conceive; but men's minds are so excited, there is so much bitter feeling abroad, that such a course is not out of the bounds of probability; and as prudent legislators you are bound to remember upon what hidden embers you tread when you enter on the path of such legislation as this. I take it that no more fatal act could be done than to interfere with or put in jeopardy that spirit of toleration upon which, as upon a foundation, the stately fabric of your Church Establishment reposes. There are three schools in the Church which I might designate by other names, but which I prefer to call the Sacramental, the Emotional, and the

Philosophical. They are schools which more or less, except when they have been crushed by the strong hand of power, have been found in the Church in every age. They arise not from any difference in the truth itself, but because the truth must necessarily assume different tints as it is refracted through the different *media* of different minds. But it is upon the frank and loyal tolerance of these schools that the existence of your Establishment depends. The problem you have to solve is how to repress personal and individual eccentricities if you will—how to repress all exhibitions of wilfulness, of lawlessness, of caprice; but, at the same time that you do that, you must carefully guard any measures which you introduce from injuring the consciences or suppressing the rights of either of the three schools of which the Church consists. On this condition alone—and it is this which gives the question its difficulty, and which imposes so intense a responsibility on all those who touch it—on this condition alone can your legislation be safe. If you accomplish this end; if you solve this problem, no doubt you will remove causes of irritation and conciliate many hearts and minds to the Church which are now alienated, and you will have done a good work. But if you legislate without solving this problem; if you disregard this condition; if you attempt to drive from the Church of England any one of the parties of which it is composed; if you tamper with the spirit of toleration of which she is the embodiment, you will produce a convulsion in the Church and imperil the interests of the State itself.

EARL GREY said, that some of the objections raised by the noble Marquess to the Bill had been answered by anticipation by the right rev. Prelate (the Bishop of Peterborough), and the noble Marquess seemed quite to ignore the fact that it had been distinctly brought under their notice that there existed in the Church, practices which afforded the justification for this Bill. He admitted that legislation might not prevent clergymen dishonest enough to accept the offices and emoluments of the Church of England, while departing from its doctrines on points of the highest importance, from going over to its most determined enemy, and adopting practices against which the Church had always

protested; it might, however, prevent their parading such practices before the public and in the services of the Church. A certain number of the clergy—he hoped very few, but he feared not so few as represented by the noble Marquess—had notoriously been introducing practices intended to imply the adoration of the elements in the administration of the Sacrament, though the Church of England knew no Sacrifice of the Mass—a doctrine on which was built the system of priestly tyranny which for so many centuries weighed so heavily upon Europe—a religion of forms and ceremonies and outward observances being substituted for the pure spiritual religion taught by Christ and his Apostles. Even devout Roman Catholics did not deny that before the Reformation the state of the clergy was fearfully corrupt, wickedness prevailing in the highest places in the Church, and many Popes and Bishops being among the vilest of mankind, and that even in nations which had adhered to the Papacy the influence of the Reformation had been very marked. In this country there was a revolt not only against the corruptions in the Church, but against the doctrine believed to be the root whence they had sprung, and he was sure the English people would not allow that yoke to be re-imposed. But there were a number of clergymen of the Church of England who were labouring to bring that Church nearer to the Church of Rome. He cordially agreed with the noble Marquess in deprecating the secession of a large body from the Church, for he recognized the importance of giving the largest possible latitude to men of various opinions; and he desired more liberty as regarded certain rubrics; but, at the same time, parishioners must have security that there shall not be introduced into their parish churches, practices painful to the feelings of men who had been brought up in the Church; and, admitting the danger of raising a cry for disestablishment by producing a sense of ill-treatment among a large number of the clergy, he would remind him that in the present state of opinion our national Establishment could only be maintained as long as it enjoyed the confidence and support of the people, which would undoubtedly fail it, were practices odious to the great body of the people allowed

to become common in the Church. At present neither the authority of the Bishops nor the law could restrain such practices, and it was vain to wait for a more perfect remedy. He agreed with the right rev. Primate that there ought to be some means of reforming the law, that that law should be more effectually administered, and that some new authority should be devised. Parliament without assistance could not legislate effectually, and Convocation, brought together under an obsolete and antiquated system, could not be called upon to perform a work like this—for it did not represent even the clergy, whereas the laity were also entitled to representation. That question must, sooner or later, be considered, but there was no immediate prospect of its settlement, and there was an urgent necessity for legislation on the present subject. Amendments might be necessary in the Bill, but not, he believed, so extensive as to change its character and object. He thought it furnished a fair basis for legislation, and he hoped the Session would not pass without some legislation.

THE ARCHBISHOP OF CANTERBURY: My Lords, at this late hour of the evening I will not trouble your Lordships with many words. I must first express my obligations and those of my right rev. brethren to the House for the compliment they have paid us in so generally agreeing to the second reading of this Bill; and, perhaps, the compliment is not the less because, in two notable instances, at least, the speeches which urged the second reading of the Bill have been directed, during a greater part of the time occupied by the speakers, to a criticism of its provisions. I trust the noble Marquess (the Marquess of Salisbury) will excuse me if I say I hope he is not to be taken as in the latter part of his speech representing the full sentiments of the Government, any more than the noble Earl who spoke early in the debate (the Earl of Shaftesbury) is to be considered as fully representing that great Evangelical party of which at one time I was in the habit of considering him the chief. I must say of the speech of the noble Marquess that I think there was some inconsistency between its beginning and its end. He said in the beginning of his speech that this was but a small matter; that the number of clergymen who were affected by this

Bill was small; but at the end of the speech we were warned, in words which I fully appreciated, to be on our guard lest a great body of the clergy, through the passing of this Bill, should be alienated from the National Church. Now, the noble Marquess will excuse me again if I say that I think the tone he adopted in the end of the speech, and during the greater part of it, was greatly calculated to swell the number of those who might consider themselves affected by the Bill. The difficulty which has stood in the way of all former attempts to legislate on this matter has arisen from the circumstance that what are commonly called moderate High Churchmen — men who are sincerely attached to the Church of England — have too often thrown their protection over those with whom they have really but little sympathy; and I think that the speech of the noble Marquess this evening must be regarded as having erred in that direction. He has spoken as strongly as I should myself on the evils to remedy which, this Bill is directed; but there still was that tone of apologetic sympathy which seemed to say to those persons who were violating the law, "After all, you are very near to us, and any attempt which is aimed against you must in some degree be aimed against us." Now, my Lords, I have appealed twice in this House during these debates, to that great party to which the noble Marquess alluded, and have besought them to express their disapprobation of the practices against which this Bill is directed. I trust that these appeals will not be in vain, and that the noble Marquess and his Friends will separate themselves from those who are bringing the greatest injury on the Established Church of England by open defiance of its laws. The noble Marquess, in a vein of, so to say, suppressed sympathy with those whom in the beginning of his speech he very distinctly condemned, dwelt not unnaturally upon the merits of some of the clergy alluded to in their peculiar spheres. No one can be more ready than myself to acknowledge the great amount of zeal which is displayed by such persons, and no one can be more ready than myself to lament that it is necessary to restrain men who devote their lives in a manner which any of us might be proud to imitate, to what they believe to be

the advancement of the Church of Christ. But perhaps we sometimes hear too much of this—as if there were no earnest clergymen in the Church of England except themselves. I think I could point to churches which have been emptied by the frivolities practised in them, and to neglected parishes—neglected because the whole time of the clergyman is occupied by these follies, instead of giving himself to the real ministry of the Word. I am quite ready to allow all that is good in the persons of whom the noble Marquess has spoken, but I am not ready to allow that they have any monopoly of zeal in the Church of England, and I am not ready to allow that there are not many of them in whom there is wanting zeal for anything that is really worthy of calling forth zeal. My Lords, I will allude for a moment to certain newspapers which are published, I believe, by clergymen. Those papers are written in a spirit which, if your Lordships ever read them—as I trust you never do—would at once show you that there must be persons engaged in this particular cause who have very little appreciation of the virtues of the Christian religion. My Lords, the noble Marquess has pointed out that it is not in our power to put an end to confession in the case of persons who desire to confess. He has said that this Bill, if it should become law, will be wholly inoperative to put a stop to that practice. Well, my Lords, I read to your Lordships, when I had the honour of introducing the Bill, a statement to the effect that it was the desire of the small party of which we had been speaking to introduce all the outward signs of confession into their churches by having confession boxes, or, where that could not be attained, to have portions of the church curtained off in order that confession might there be carried on. I think I may appeal to the right rev. Prelate who presides over this diocese as to such attempts being made in at least one of the churches of his diocese. [The Bishop of London: Two.] Well, if we cannot put that down, we can restrain it, and I say it will be something to compel these people to abstain from the outward and public manifestation of their intentions. Again, it has been said also that the altar-cards which I mentioned, and which, perhaps, have assumed a degree of importance beyond

what they deserve, would not be restrained by this Act. Of course they could be, because they are not "ornaments" of the Church, and, therefore, would be removable under the provisions of this Act. It is quite true that a man may in his secret thought say or do what he pleases, and we are not to be blamed if we are unable to compass that which no power on earth can do—namely, control the thoughts of the heart, by outward legislation. But, my Lords, we do something if we declare that Church of England congregations are no longer to be treated with this extreme levity, which introduces the palpable outward signs of the Mass into the administration of the Holy Communion in our churches. The noble Marquess alluded to a certain book, which, I presume, was the book which, as I understood, lay in the church, and on which was written that it was not to be taken out of the church. It must, I think, have contained something in common with that book which I produced here some nights ago, which was the Liturgy of the Church of England and the Service of the Mass dovetailed into each other, and put into the hands of the clergy that they might be used on the Communion tables. The Bill would, my Lords, deal with such a case; it would prevent the clergyman bringing into the service of the Church such a book. A great deal has been made by some speakers, and not least by the noble Marquess, as to the supposed lawlessness of other bodies in the Church besides those we are speaking of. Now, I believe there is this distinction between the violation of the law on the part of others and the violation of the law in these particular cases—that the persons who neglect any of the regulations of the Church are ready to act as directed by authority, and evince a loyal willingness to obey the law when called upon by authority, while on the other side is evinced a determination to resist authority when it calls upon them to obey the law. Only last week a deputation waited on me in reference to this Bill, consisting of persons not likely to err on the side of Romanism, and it was at once stated by them that they quite expected that they would be obliged to be more accurate in their observance of the rubrics than they had been, and that, if it were shown there was anything in which they failed, they were ready to obey. I do not say there

are not extreme persons on both sides; but I think that the three great parties to whom the noble Marquess alluded are heartily loyal to the Church of England, and are ready to obey its laws when pointed out to them; while other persons of whom we have spoken hold those laws in derision. I do, as earnestly as the noble Marquess, trust and pray that those three great parties—if we are to call them parties—may still remain united and loyal to the Church of England, and that the differences of opinion between good and loyal men which have always existed in the Church may still continue to exist there. I fully believe that the authority of the Bishops, if it be your pleasure to make this Bill an Act, will be supported by all those three parties. My Lords, I have said it is a compliment to us that the second reading of this Bill has been advocated even by those who have spoken most bitterly against it. I confess I expected there would be a great deal of opposition to the Bill. When some time ago we became aware of the absolute necessity of going carefully into the matter, I naturally expected to meet with violent opposition from those who were likely to have their offences visited under any Bill we might bring forward, for, knowing the great activity of the small minority of whom we are now speaking, I was aware they would leave no stone unturned to raise a feeling against the measure. I confess, however, I was hardly prepared for the sort of opposition we have heard from my respected Friend the noble Earl (the Earl of Shaftesbury) who spoke early in the debate. The noble Earl was not contented with assailing our Bill, but in order to damage us he assailed his own, particularly in regard to the constitution of the Court. If people are determined to find fault with whatever we propose, of course there is no meeting them even by incorporating the provisions of their own Bills into ours. It has been often stated as a great offence on my part that I wished to allow the Convocation of the Province of Canterbury only one day to consider the Bill. Well, at our first meeting some five months ago the report of the Convocation was mentioned by one of the right reverend Prelates who was present at the meeting, and we were therefore aware that they had already discussed the subject. Therefore, we thought an additional day for con-

sideration would be enough; especially as we found that their Report was in substance the Bill we are now proposing; and as they are not pleased at our proposing their own measure, I cannot help thinking that they, like the noble Earl, object because we propose it, and not because of any demerits in the Bill itself. This remark applies also to a great number of the provisions which have been assailed in this Bill. The very persons who assail them are in favour of the measure with some slight alteration—instead of objecting to the principle of the Bill, they are really in favour of it. Allusion has been made to what fell from my most rev. Brother (the Archbishop of York) respecting certain alterations which we are willing to introduce. I am willing to go into Committee *pro formâ*, in order to reprint all the Amendments, and thus the Bill will stand for regular discussion in Committee perhaps immediately after Whitsuntide, or earlier, if such be the pleasure of the House. But although we are quite willing to make some modifications in the Bill, its principle remains exactly the same—namely, that there ought to be in every diocese a reference to the Bishop to regulate that independence of the clergy which has run into lawlessness—there ought to be an easy and inexpensive process by which you may apply to the Bishop, and also a lessening of that complicated system of appeals which at present causes so much delay and expense. It was naturally to be expected that every sort of opposition would be raised against this measure, for it is very difficult indeed to please men by a Bill which is intended to make them obey the law, which they habitually violate. It happens that long before this Bill can come into operation the Judicial Committee of the Privy Council will, in regard to this matter, have practically passed away, and it will be the new Court, which was established because you were dissatisfied with the Privy Council, that will have the decision of these cases. My Lords, I have but a few more words to say. Endeavours have been made in various quarters to set forth the confusion and the heartburnings which will arise in consequence of this measure. I take a totally different view of the matter. I have a full reliance on the good sense and loyalty of the great majority of the

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English people, whether they be clergy or laity, and I believe that if you appoint a tribunal to which they can have speedy access, and which can speak with the unfaltering voice of authority, you will find that they will be satisfied with the decisions of that tribunal, and that an end will be put to the disputes which at present distract the Church of England.

THE DUKE OF RICHMOND: My Lords, I do not know that I should have ventured to trouble your Lordships on this occasion with the very few remarks I now intend to make, had it not been for a statement which fell from the most rev. Primate in reference to the noble Marquess near me (the Marquess of Salisbury). In commenting on the speech of my noble Friend, the most rev. Primate said, he was sorry to find that the end of that speech did not at all coincide with his opening remarks; and he went on to state that which, on the part of my noble Friend, I distinctly deny—namely, that my noble Friend has a suppressed sympathy with the extreme party in the Church. Now, this was to impute that my noble Friend had in his mind other views than those which he publicly expressed in your Lordships' House.

THE ARCHBISHOP OF CANTERBURY said, he had no intention of making such an imputation.

THE DUKE OF RICHMOND: I thought it was impossible that the most rev. Primate could impute that to my noble Friend, but certainly the words he used gave one the idea that he spoke about a person expressing one opinion while he secretly entertained another. I think it is evident, from what has passed this evening, that it is absolutely necessary that there should be some legislation on this matter. That, I believe, has been admitted by all. My noble Friend behind me, in addressing your Lordships, I think, went no further than this—that lawlessness in the Church had reached a point past endurance, and ought to be restrained; but that when you came to deal with that lawlessness in a practical manner, you found it a most difficult task to accomplish. It has been the duty of Her Majesty's Government to go through all the details of the measure brought forward by the most rev. Primate for the suppression of these practices; and it is only by looking at this Bill carefully, and analyzing it

clause by clause—and I might almost say word by word—that the real difficulty presents itself to your notice as to the way to put down these practices; because this point must not be lost sight of, that the Church consists of more than one body, and therefore, as my noble Friend has stated, in endeavouring to restrain one party, care must be taken that you do not also annoy and discomfort the other. The right rev. Prelate (the Bishop of Peterborough) pointed out one of the great difficulties connected with this subject—namely, that you are attempting to deal with rubrics some of which to a great extent are obsolete, while it would be very difficult to enforce others. That which we all desire to do seems to me to be such as is stated in the preface to the Prayer Book to be the object of compiling that Book—namely, not to gratify unreasonable demands, but to preserve peace and unity in the Church, to secure reverence, piety, and devotion in the public worship of God, and to cut off occasion of cavil or quarrel with the Liturgy of the Church. That, I think, is precisely the view which everybody must bring to bear in dealing with this question. I think the most rev. Primate has taken a very wise course, which I hope will be assented to by the House—namely, that of suggesting that if the Bill should be read a second time to-night, it should be committed *pro forma* to-morrow, for the purpose of having the Amendments which the most rev. Primate proposes to insert in the Bill put into the Bill, that the Bill should be reprinted; and then we shall know when we go into Committee on the Bill the precise form in which it will remain, and we shall be better able to see what amendment is required. I believe the great object and desire of all parties is to put an end to the extravagances of one party in the Church, and to deal with—perhaps I may say—the shortcomings of the other.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House To-morrow.

COURTS (STRAITS SETTLEMENTS) BILL [H.L.]

A Bill to extend the jurisdiction of Courts of the Colony of the Straits Settlements to certain crimes and offences committed out of the Colony—Was presented by The Earl of Carnarvon; read 1st. (No. 60.)

House adjourned at Twelve o'clock,
'till To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 11th May, 1874.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Valuation of Property* [98]; Alkali Act (1863) Amendment* [99]; Rabbits* [100].

First Reading—Marriages Legalization (St. John the Evangelist's Chapel, in the Parish of Shus-tock)* [101]; Marriages Legalization (St. Paul's Church at Pooley Bridge)* [102]; Hertford College, Oxford* [103].

Second Reading—Intoxicating Liquors [83]; Bishop of Calcutta (Leave of Absence)* [93]; Board of Trade Arbitrations, Inquiries, &c.* [86].

Report—Offences against the Person* [13-97].

Withdrawn—Universities (Scotland)* [67].

SCOTCH FISHERY BOARD—HERRING BARRELS.—QUESTION.

MR. FORDYCE asked the President of the Board of Trade, Whether the Scotch Fishery Board has recommended the removal of the restrictions on the use of fir wood in the manufacture of herring barrels; and, if so, whether it is intended to carry out these recommendations?

SIR CHARLES ADDERLEY: Sir, in the year 1849 the Scotch Fishery Board conducted some experiments in order to test the fitness of fir and larch wood for herring barrels, the result of which was against the use of fir wood, and, consequently, the then existing restrictions against the use of that description of wood in the manufacture of herring barrels were not interfered with. During the past herring fishing season, the Fishery Board have, at the desire of the Board of Trade, made further experiments with a view of ascertaining whether fir wood may not, if duly seasoned, be fit for this purpose, and the result of these renewed experiments, in the opinion of the Fishery Board and of the Board of Trade, justifies the use of fir for herring barrels; and the Board of Trade have referred the Papers for the consideration of the Lord Advocate of Scotland, with a recommendation that the prohibition should be repealed.

INDIA—THE AMIR OF KASHGAR.

QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether the Treaty of

Commerce lately made with the Amir of Kashgar, includes or involves recognition of his independence and definition of his territory?

LORD GEORGE HAMILTON: Sir, the Treaty of Commerce lately made with the Attalik Ghazee has not yet arrived in this country, and we are, therefore, unable to state accurately what the terms of that Treaty are.

SIR CHARLES W. DILKE: In consequence of the Answer of the noble Lord, I shall put some Questions to him on the subject on Friday next.

CRIMINAL LUNATICS—BROADMOOR AND COUNTY ASYLUMS.

QUESTION.

MR. PAGET asked the Secretary of State for the Home Department, Whether Her Majesty's Government are prepared to take steps for enlarging the existing Criminal Lunatic Asylum at Broadmoor, or to build others elsewhere, and thus do away with the practice of keeping Criminal Lunatics in County Asylums?

MR. ASSHETON CROSS in reply, said, it was not the intention of the Government to do so; but what they were at present considering was, whether arrangements could be made with regard to other Prisons in order to take away the worst class of criminal lunatics from Broadmoor altogether.

ARMY—MILITIA STOREHOUSES.

QUESTION.

MR. PAGET asked the Secretary of State for War, What steps Her Majesty's Government propose to take under 35 and 36 Vic., c. 68, with a view of relieving Counties from the expense of maintaining Militia Storehouses; and, whether the Government are prepared to purchase or to pay rent for Militia Storehouses now in use, or when they would place at the disposal of the Counties such Storehouses as are not required for Militia purposes?

MR. GATHORNE HARDY, in reply, said: Five storehouses at Brigade Head Quarters have been purchased—namely, Ayr, Bodmin, Canterbury, Chester, and Winchester; others will be purchased in cases where the construction, price, and available land justify

purchase. Otherwise they will be placed at the disposal of counties, as soon as other accommodation for the Militia can be provided; and until then the usual lodging allowance for the Militia Permanent Staff, will be paid to the counties. Militia storehouses other than those at the Brigade Head Quarters, will be hired from the counties at a rental of £30 each, when their sites are selected as those of outlying Militia regiments.

THE ASHANTEE WAR MEDAL.

QUESTION.

MR. PRICE asked the Secretary of State for War, Whether, as a war medal is to be granted for the Ashantee Expedition, he is also prepared to recognize the claims of those who have served in previous expeditions on the Coast of Africa to a similar distinction?

MR. GATHORNE HARDY, in reply, said, he had not felt himself called upon to review the decision of his Predecessors on the subject to which the hon. Member's Question referred, and had confined himself solely to the recent Ashantee Expedition in advising a medal to be struck.

THE TREATY OF WASHINGTON— AWARD OF THE MIXED CLAIMS COMMISSION.—QUESTION.

MR. BENTINOK asked the Under Secretary of State for Foreign Affairs, Whether it is the intention of Her Majesty's Government to follow the precedent established by the Act 18 and 19 Vic. c. 77, and to bring in a similar Bill enabling the Treasury to distribute among the British claimants the sum payable to Her Majesty's Government by the final award of the late Mixed Claims Commission, under the Treaty of Washington 1871?

MR. BOURKE: Sir, the arrangements to be made for the distribution of the sums awarded by the Mixed Claims Commission are under the consideration of Her Majesty's Government. No decision has as yet been arrived at as to whether or not it may be necessary to ask Parliament to legislate on the subject.

Sir Charles W. Dilke

INDIA—H.M. ROMAN CATHOLIC SERVANTS.—QUESTION.

MR. O'REILLY asked the Under Secretary of State for India, Whether any final answer has been received from the Governor General to the Despatch from the Indian Department in London of the month of May 1872, relative to the provision made by Government for the religious wants of Her Majesty's Servants in India professing the Roman Catholic religion; and, if so, whether he would have any objection to lay the Papers upon the Table?

LORD GEORGE HAMILTON: Sir, the last Despatch alluding to the matter raised by the hon. Member's Question received from the Indian Government is dated the 19th of August, 1872. In that Despatch the Government of India reserves its opinion on this question, until the general principle has been decided upon by which the Church Establishments in India are to be regulated. It is the intention of the Secretary of State to again address the Indian Government upon the subject. The Correspondence alluded to is at the hon. Member's disposal, but, as it tells us little or nothing, it would be useless to lay it upon the Table of the House.

DR. LIVINGSTONE.—QUESTION.

MR. LEEMAN asked the First Lord of the Treasury, Whether Her Majesty's Government is prepared to recommend the adoption of the prayer of a Memorial presented to the Secretary of State for Foreign Affairs for a grant to the family of the late Dr. Livingstone?

MR. DISRAELI: Sir, Her Majesty has already granted a pension of £200 a-year to the children of Dr. Livingstone, and £200 is the sixth of the moderate—I might say, perhaps, too moderate—sum which Her Majesty is empowered under Act of Parliament to grant. There are other relations of Dr. Livingstone besides his children. Their claims will be considered by Her Majesty's Government, and, if they think they ought to be provided for, we shall not hesitate to ask the House to grant such a Vote as would be proper under the circumstances.

THE CIVIL SERVICE COMMISSION. QUESTION.

MR. ALEXANDER BROWN asked Mr. Chancellor of the Exchequer, If the Commission about to be appointed to inquire into the organisation of the Civil Service will include within the scope of its inquiries the position and cases of the literary, scientific, and other gentlemen employed at the British Museum, the South Kensington Museum, and similar institutions, or whether its inquiries will be limited, so far as these departments are concerned, to the administrative staffs?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Question is one that I should find it difficult to answer; because so much will naturally depend on the discretion of the parties appointed to deal with the subject. However, as the Commission has caused a great deal of interest, perhaps the House will allow me to read the letter I have addressed to the right hon. Gentleman who has undertaken to preside over it. The letter is as follows:—

"11, Downing Street, 27th April, 1874.

"My dear Mr. Playfair,—The inquiry which the Treasury desire to institute, and upon which you have been so kind as to promise us your assistance, has reference to the following points:—

"1. The method of selecting Civil Servants in the first instance.

"2. The principles upon which men should be transferred from office to office, especially in cases where one establishment has been abolished or reduced in numbers, and where there are consequently redundant *employees*, whose services should, if possible, be made available in other departments.

"3. The possibility of grading the Civil Service as a whole so as to obviate the inconveniences which result from the differences of pay in different departments.

"4. The system under which it is desirable to employ writers or other persons for the discharge of duties of less importance than those usually assigned to established clerks or duties of a purely temporary character.

"I need not enter into any details upon these points beyond placing in your hands the several Orders in Council and other official documents relating to the matter, and referring you to the proceedings which were held last year before the two Select Committees of the House of Commons, which inquired—the one into the Civil Service expenditure, the other into the alleged grievances of the Civil Service writers. Any further information which you may desire and which we have in our possession shall, of course, be placed at your disposal.

"I will merely say with reference to the first of the questions which I have mentioned that, while the Government desire as a general prin-

ciple to uphold a system of selection according to merit as opposed to selection by the simple exercise of patronage, they are anxious that the Commission should look thoroughly into the action of the present system of competitive examinations, and should give their opinion upon any modifications which they may find it desirable to recommend in it with perfect freedom.

"An important question will arise out of the division of the service according to what are technically known as Regulations I. and II. respectively, and we hope that the Commission will give us their advice as to the maintenance of that division, both in regard of admissions and of promotions."

WAYS AND MEANS—COUNTY LUNATIC ASYLUMS (IRELAND).—QUESTION.

MR. W. JOHNSTON asked Mr. Chancellor of the Exchequer, Whether the contribution of four shillings per head from the Consolidated Fund, towards the maintenance of pauper lunatics, is intended to extend to those in the County Lunatic Asylums in Ireland?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the contribution will be extended to county lunatic asylums in Ireland.

IRELAND—THE CONSTABULARY. QUESTION.

MAJOR O'GORMAN asked the Chief Secretary for Ireland, Whether the statement relating to the Royal Irish Constabulary which appeared in the "Limerick Reporter" of the 13th March last is correct; and, if so, whether Her Majesty's Government approves of the system of occupying by drill and catechising the attention of the officers and men of that force when assembled for the discharge of their duties of detecting crime and prosecuting offenders; and, whether there is any objection to furnish the name of the officer referred to as "Inspector General?"

SIR MICHAEL HICKS-BEACH, in reply, said, that the statement was not accurate, and would lead to still more inaccurate inferences. In March last the Deputy Inspector, under orders of the Inspector General, inspected the County Constabulary of Limerick, and on the last day of the inspection he found 100 men employed at the Assizes which were being held in the City of Limerick, whom he had not seen during his tour through the county. He therefore directed that they should be assembled for one hour's drill for the pur-

pose of inspection, but at such a time as not to interfere with the special duty on which they were engaged. When men were assembled in this way in a county town in considerable numbers, advantage was often taken of a spare hour for the purpose of drill; the object was to avoid the expense which would be incurred if the men were brought together from distant stations specially for this purpose.

WAYS AND MEANS—PAUPER LUNATICS.—QUESTION.

MR. M'LAREN asked Mr. Chancellor of the Exchequer, Whether, before taking the sense of the House on his proposal to pay, at the rate of 4s. per head, for certain classes of pauper lunatics, he will lay upon the Table a Statement showing the total number of pauper lunatics in each of the three divisions of the United Kingdom, and the proportional sums which will be paid to each division by the arrangement proposed?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he would be happy to do so.

THE ASHANTEE EXPEDITION—CAPTAIN NIVEN.—QUESTION.

MR. W. JOHNSTON asked the Secretary of State for War, Whether Captain Niven, 1st West India Regiment, having been with his regiment in the Ashantee War, was left with three other officers at Prahsu, in command of a small garrison; and, whether three of the officers have not been carried back to the coast, in fever, leaving Captain Niven alone, without medical assistance?

MR. GATHORNE HARDY, in reply, said, that no such information had yet reached the War Office.

IRELAND—IMPROVEMENT OF THE SHANNON.—QUESTION.

MR. W. O. GORE asked the Chief Secretary for Ireland, Whether he intends to introduce before Whitsuntide, or soon after, any measure for the improvement of the River Shannon?

SIR MICHAEL HICKS-BEACH, in reply, said, the duty of introducing such a measure, if it were introduced by the Government, would devolve either upon the Chancellor of the Exchequer or the Secretary to the Treasury. After making

a careful examination of the facts, he had placed the result before the Treasury. The matter was still under the consideration of the Government, and if his hon. Friend would repeat his Question in a few days, he hoped to be able to give him a more definite answer.

GREECE—DIPLOMATIC RELATIONS—
THE GUARANTEED LOAN.

QUESTION.

Mr. HANBURY asked the Under Secretary of State for Foreign Affairs, Whether it is true that the Greek Government is about to re-establish diplomatic relations with various European Courts; and, if so, whether that Government has taken any steps towards repaying the large amounts due by it to the British Government and other public creditors in this country?

Mr. BOURKE: It is true, Sir, that the proposal mentioned in the Question of the hon. Gentleman is contained in the amended Budget which has been prepared for the approval of the Greek Parliament; but since that amended Budget was presented, there has been a change of Government in Greece, so it is possible that no further steps may be taken upon the subject.

POST OFFICE—WEST INDIA MAIL
CONTRACT.—QUESTION.

Mr. TORR asked the Postmaster General, When will the Contract for Service to the West Indies be laid upon the Table of the House, and will he furnish at the same time Copy of Advertisement calling for tenders; also the amount of Sea Postage accruing to the Post Office in respect of Mails carried in 1873 to and from the ports embraced in the new Contract, showing separately the amount derived during the past year from Correspondence conveyed by the Packets between this Country and the West Indies?

LORD JOHN MANNERS, in reply, said, that the contract would be laid on the Table in the course of a few days, with a Minute from the Secretary to the Treasury, stating the grounds on which the contract was recommended to the House for its acceptance. It was not usual to lay on the Table the advertisement calling for tenders, but if his hon. Friend would move for it there would be no objection to its production.

CHILDREN EMPLOYED IN AGRICULTURE.—QUESTION.

Mr. FAWCETT wished to know, Whether the hon. Member for Chippenham was prepared to lay upon the Table the Resolutions relating to the employment of Children in Agriculture, which he intends to move to-morrow?

Mr. GOLDNEY, in reply, said, his Notice and Resolutions were as follow:—To call the attention of the House to the Act regulating the Employment of Children in Agriculture, and to the requirements prescribed by the Education Department with respect to Parliamentary Grants, and to move—

“That in order to insure the fair and beneficial working of the Agricultural Children Act, (1873), the regulation of the Educational Code should be so far modified as—1, To allow children from whom 150 attendances only are required to attend schools without making a reduction from the Parliamentary grant unless additional pupil or assistant teachers are provided in respect of such children; 2, to allow the grant on a satisfactory examination in extra subjects without children from whom 150 attendances only are required being reckoned in the percentage of passes in the standard examination; 3, to allow grants to day schools in agricultural districts for scholars who complete the required number of attendances and pass in the standard examinations without requiring the principal teacher in such schools to be certificated.”

VISCOUNT SANDON, in reply, said, that considering the importance of the subject, and that the Resolutions had not yet been in the hands of hon. Members, he must appeal to his hon. Friend to defer the discussion until a later day. His hon. Friend, he felt certain, was only anxious to secure the efficiency of the Act, but the effect of such a discussion, if prematurely taken without due time for consideration, would only injure the object he had in view.

Mr. GOLDNEY said, he had great pleasure in yielding to the appeal made to him by his noble Friend, and would postpone his Motion until the first day after Whitsuntide.

LORD SANDHURST—MR. ANDERSON'S
NOTICE OF MOTION.—QUESTION.

COLONEL BARTELOTT, after giving Notice of his intention to ask certain Questions next Thursday relating to the Martini-Henry rifle, said, that the hon. Member for Glasgow (Mr. Anderson) had given Notice of a Motion of a serious kind, for which no day had been

fixed, affecting the character of Lord Sandhurst as Commander-in-Chief of the Forces in Ireland, stating that that gallant officer had been absent from his duty for 17 months, and had made certain erroneous Returns. The charge involved such a dereliction of duty as to call for some stronger mark of censure than the return of the money allowed to have been wrongly received; and he wished to ask the hon. Member, Whether, considering the importance of this Motion, affecting as it did the character and conduct of an officer of such high distinction, he could not at once state the day on which he intended to bring forward his Motion, for it was unfair, at once, to the Nobleman in question, and to the House, that the question should be delayed one hour longer than was necessary? He was informed that there was some Correspondence which ought to be known to the House, and which was to be found in the Library, but he trusted that the Motion would be at once brought before the House.

MR. ANDERSON said, he could assure the hon. and gallant Member that it was with very great pain that he felt himself obliged to put down the Motion, and he freely admitted that it would be an inconvenience and a hardship to let such a Motion stand for any indefinite time. The difficulty, however, was to get an early opportunity for the discussion of it. He should go on balloting to get a place, and if he did not succeed, he should put it for some evening on the Motion to go into Committee of Supply. As regarded the Correspondence which had taken place in reference to this matter, it had not been printed, partly because it was very voluminous, and partly because after consultation with the librarian it appeared that no amount of printing would show the real points at issue. It was, however, to be seen in the Library by any hon. Gentleman who desired to look at it.

INTOXICATING LIQUORS BILL.

(*Mr. Raikes, Mr. Secretary Cross, Sir Henry Selwin Ibbetson, Mr. Chancellor of the Exchequer.*)

[BILL 83.] SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."—(*Mr. Secretary Cross.*)

Colonel Barttelot

MR. MELLY, in rising to move as an Amendment to leave out from the word "That" to the end of the Question, in order to add the words—

"In the opinion of this House, no measure for the regulation of the sale of Intoxicating Liquors will be satisfactory which affords increased facilities for drinking, and which deals unequally and unfairly with a considerable branch of the liquor trade,"

said, he was sorry to interpose between the House and the second reading of the measure, but he thought it was desirable to consider at that stage the two principal features of the Bill: the extension of facilities for drinking, and the new distinction attempted to be created between spirit dealers and beer sellers. He would have simply moved the rejection of the Bill, but it contained one or two police regulations of value, and should the House in Committee accept the Motions made by the hon. Member for Clitheroe (Mr. Ralph Assheton) and the hon. Member for West Kent (Mr. J. G. Talbot), the Bill might be made an amending Bill; as it stood it was a retrograde measure; in two respects a step backwards, as he would endeavour to show. It aggravated the very points complained of by the Act of 1872, and in a material degree reversed the policy adopted by both parties in 1872. It went against the feeling of the people, as had been shown by the Petitions presented that night, and against the best interests of the trade, all for the purpose of keeping open the public-houses by an additional miserable half-hour. In asking the House to discuss the question, he was aware that they laboured under some disadvantages. Lord Aberdare had been removed to "another place," and by the death of Mr. Winterbotham, Under Secretary of State for the Home Department, who, with the noble Lord, had been instrumental in carrying the existing Act, they had lost a Member whose eloquence and whose practical knowledge were most valuable, and whose simplicity and refinement of character endeared him to his friends. But, at the same time, he might say that they entered upon the discussion of the question with some advantages. In the first place, it had never been discussed as a party question. It had never been so treated either in that House, or in the other House of Parliament, and certainly it was not his

intention to treat it in a different spirit on this occasion. The main object of the Act of 1872, as originally introduced, was to secure uniformity in the hours of opening and closing, with due regard to the actual wants of the inhabitants of different localities: London, Liverpool, Manchester, Birmingham, and other large centres of population, where it was proposed to be open between 6 and 12; town with 10,000 inhabitants between 7 and 11; and towns with 2,000 inhabitants between 7 and 10 o'clock. There was also no distinction made between different classes of drink shops. In 1872 there were three Bills on this subject before the House. The Government Bill was introduced into the House of Lords by the Earl of Kimberley; there was a Bill introduced by the hon. Member for Fife (Sir Robert Anstruther); and a third brought forward by his hon. Friend the Under Secretary of State for the Home Department (Sir Henry Selwin-Ibbetson) which he should have been glad to see adopted, because the blame of passing it would not then have fallen upon them, and because it was just the sort of measure that the present scheme, when properly amended, would develop into. But all these Bills adopted the same time for closing, and the discretion given to the justices, which found its way into the Government measure, was inserted by the House of Commons, and was not to be found in it as it originally came from the House of Lords. The beer-seller was placed by the Bill of the present Under Secretary of State for the Home Department in the same position with respect to hours as the licensed victualler. After very long discussions, carried on not only upon Mondays and Thursdays, but on hot Saturday afternoons, it was agreed to leave a discretionary and elastic power in the hands of the licensing magistrates. The present Bill proposed to take away that discretionary power, and to fix the hours within the four corners of the Act. He could show by the reports of the police Inspectors, the opinions of magistrates, and even of the trade, that the Act had worked satisfactorily; but he did not wish unnecessarily to take up the time of the House by quoting from those documents in detail. He had summarized the Reports of 160 superintendents of police. They were aware that the country was divided into three great

police divisions—the Northern, Southern, and Midland divisions, with the Metropolitan district as a fourth and separate division, under Colonel Henderson. The chiefs of the whole of these four divisions had expressed their complete approval of the working of the Act with respect to the hours of closing. The superintendents of police in 117 boroughs had in their Reports stated, “the Act works satisfactorily,” “the Act is a boon,” “the Act does much good;” and 49 chief constables of counties stated distinctly that it had greatly promoted good order during the night. The fault of the present measure was, that it proposed in all cases to extend the hours, while it took away the discretionary power vested in the magistrates. The fixing of the hours by Parliament might to some extent be regarded as an improvement, but he did not think that the power had been arbitrarily or capriciously used to the extent that was generally imagined. There were 890 licensing benches in England and Wales. By only 201 of these had the hours been altered. In 689 the hours stated in the Act of 1872 had been adopted; and in 112 out of the 201 where alterations had been made they were of a very trivial character. The justices had been too discreet to use their discretion. In Wales the greatest alterations had been made in 43 districts, but no doubt, good reasons could be shown for that by the hon. and learned Member for Denbighshire (Mr. Osborne Morgan.) They were all for shortening the hours. In four English boroughs the hours had been shortened, but in 154 boroughs, with a population of 6,036,000, the Act had been adopted in its entirety. The public-houses, with the exception of Liverpool and Hull, which opened at 7, opened at 6 in the morning, and with that exception the whole of the beer-houses and spirit-houses, together, 34,886 in number, closed at 11 at night. He should be told that the late General Election showed that the publicans, at all events, if not the beer-house keepers also, were largely dissatisfied with the legislation on this point. He did not, however, think that that was a fair statement of the case. What they were dissatisfied with was, not what had been done, but what had been threatened, and what they were afraid of. They objected to

the discretion of the magistrates, because they feared that teetotal or temperance magistrates might get on the bench and create a majority for measures of a restrictive character, which would make the houses they had purchased become bad bargains. It was that fear which made them hostile to the Act of 1872; and now, in consequence of that feeling, the House was asked not only to fix the hour of closing—to that he would make no objection—but to fix it half-an-hour later than it had been during the last 18 months, and that in face of the Petitions that had been presented against such a step from all parts of the country, and of the police Reports of the improved state of affairs throughout the length and breadth of the land. The Bill of the right hon. Gentleman the Home Secretary created a diversity in the hours of closing in every single thoroughfare in every town and village in England, inasmuch as the public-houses were to be closed at one hour and the beer-houses half-an-hour earlier. Now, it would be very easy for hon. Members to say—"what a deal of fuss you are making about half-an-hour;"—but in *The Times* of that day the case was put very concisely—

"To an ordinary observer, unacquainted with the details of the controversy and the interests of the trade, it may appear strange that so fierce a clamour should be raised about so small a fraction of the hours of business, but the truth is, that the period in question, though measured by minutes, is the most profitable of the whole day. The last hours, or even half-hours, are those that pay best."

Yes, they pay the best, but they cost the most—in disorder, in riot, in drunkenness, in abandoned children and penniless widows, in ruined homes, in increased rates and taxes.

"More liquor, and that of a more paying kind, is consumed, and more money spent as the night draws on than at any other time. It is then that the Trade becomes brisk and thirsty souls abound. The house which can keep open the longest is the best house, and the most popular house."

He wanted to say one word as to the operation of the Bill in London. There were 5,341 spirit-houses and 2,791 beer-houses in the metropolis. On the 23rd of December last the Licensed Victuallers' Protection Society sent out a circular inquiring what the trade preferred as the closing hour. Replies were received from 455 stating

12.30; 2,000 did not reply; and 2,874 were for 12 o'clock. The Home Secretary, in fixing 12.30, had therefore obeyed 455, and refused to obey the 2,874 who had absolutely repudiated his proposal. There was no doubt the present law was a very great inconvenience to respectable and hard-working people who were employed during the night. He was most anxious that persons whose business began when individuals in private life—he did not mean in that House—went to bed, and who were engaged during the night in preparing those sheets of information, and those reports of the speeches made in that House, which they found upon their breakfast table in the morning, should be considered. But half-an-hour after midnight would be a very small accommodation to the workers on the Press of London, who, it might be said in sober earnestness, turned night into day; and he thought they must make up their minds to undergo some inconvenience for the sake of the great benefits which arose from this restrictive legislation. He had been told the other day of a man who, having visited his father, the Recorder of a great city, at an hotel, was told by the waiter at exactly 11 o'clock, that he must leave, as he was not lodging in the house. The father was very angry; but he forgot to tell him (Mr. Melly) that his work at quarter sessions had been diminished by the Act of 1872. With regard to such a case as that, he would throw out a suggestion which he thought might be worked up by the right hon. Gentleman the Home Secretary. Could there not be some extremely expensive licence granted to hotels of magnitude, which were not gin palaces, with their long mahogany bars and their gaudy and glaring lights, but which were really for the accommodation of a class who, in the very nature of things, were out half-an-hour or more late at night? He simply suggested whether something could not be done in that direction. But because a few hundred gentlemen of the upper classes were inconvenienced in an hotel once or twice a-year, that was no reason why something like 18,000 drinking shops should be kept open from one end of England to the other during the whole of the 12 months. The present hours were from six to 11 in 154 out of 156 towns with a population of

Mr. Melly

6,000,000. There were 17,654 spirit-houses which, without one single request sent up by them, and against the evidence of their magistracy and police, were to have an extra half-hour forced upon them. The House must not forget that the hours from six to 11 were fixed after due consideration. But what was the key-note lying at the bottom of that settlement? It was to meet the beer-house hours of the hon. Baronet the Under Secretary of State for the Home Department, who, in 1869 and 1870, while the powerful Government of the right hon. Gentleman the Member for Greenwich was on the opposite bench, had brought in two of the most important measures for the promotion of temperance, sobriety, and order, that had ever been brought forward in that House. He would make an appeal to every borough Member, and ask whether there was one of them who was pledged to an extension of hours? They might be pledged for or against the Permissive Bill; to less penal clauses; to allow a publican to entertain his friends as he ought to do—and he (Mr. Melly) could not help thinking that the decisions which had been given by magistrates against publicans who had been entertaining their friends after hours in their private rooms, were the decisions of Justice Shallows, who, by such unwise decisions, did great injury to such legislation as they were now considering—but were they pledged to an extension of hours? He believed they might be pledged to uniformity of hours, but not to an extension of them. Now, who had asked for this extension? There were 450,000 inhabitants in Liverpool. Its magistrates had condemned the extension during the past week; its clergy had condemned it; its police had reported against it; and he was prepared to say that its licensed victuallers wished to be left alone. Let one single borough or county magistrate, to whom the maintenance of law and order was entrusted in his district, and to whom its peace and sobriety were dear, tell him in whose interest he would vote for that half-hour? He did not want his opinion about large cities, or about Stoke—these places were represented by hon. Members who would vote with him (Mr. Melly). Did his own constituents want this extra half-hour? He closed his case on this challenge as regarded the

extension of hours to spirit-houses. Now, as to the unequal treatment of beer-houses. As regarded the second part of his Resolution, the Bill would reverse the whole policy of the last six years, which was the policy of the hon. Baronet the Under Secretary of State for the Home Department, and which aimed at taking beer-houses out of the hands of the Excise and putting them into the hands of the magistrates—at raising their position. The policy of the hon. Baronet had been to raise the character of beer-houses by making the rental higher, and placing them under the strictest police supervision and the most penal clauses. It was rather curious to remark what the Home Secretary called logic in connection with this subject. The right hon. Gentleman said—"If you look to the number of licences of beer-houses forfeited, you will see that in 1869"—before they were dealt with by the hon. Baronet opposite—"it was 1,479, but in 1873 it was only 13. From those figures you may judge that the conduct of these houses was greatly improved, I trust it will be still more improved, and we are anxious to do all we can to improve them." But how did the right hon. Gentleman propose to improve them? By treating them with the grossest injustice, and tempting them to break this law. There were 682 beer-houses in his borough; the owners did not, he believed, vote for him at the last election, and he hoped he should say that night nothing which would cause them to vote for him at the next. He was no friend or advocate of any drinking house, but he was an enemy to unjust treatment of any individual or trade. But how had the beer-houses behaved? There were 62,261 spirit-houses in the Provinces, and the convictions against them in 1873 were 2,297, or one in 27; there were 40,923 beer-houses, and the convictions in their cases were 1,495, or one also in 27. But if it was recollected that among the spirit-houses were reckoned hotels, these figures showed how much better behaved were the beer-houses than the spirit-houses strictly so-called. In Liverpool, where the spirit-houses were 1,934 and the beer-houses 325, one in 26 of the population got drunk; but in Manchester and Salford, where the spirit-houses were 599 and the beer-houses 2,347, only one in 43 of the population got

drunk, showing greatly in favour of the beer-houses. Liverpool, however, was a seaport town, and the comparison might not be altogether fair. He would, therefore, take Northampton and Leicester, midland towns; in one, they made shoes, in the other, stockings. Northampton had 70 spirit-houses, and three times as many beer-houses, and the drunken cases were one in 199½; but Leicester had 270 spirit-houses, and exactly the same number of beer-houses, and the drunken cases were one in 200½. Therefore, it was not by records of convictions or statistics of drunkenness that they could make out a special case for dealing with the beer-houses. The Home Secretary, in speaking of the night houses, had told the House that they were the resorts of persons who were turned out of the public-houses. "These houses may be summed up in three words," he said, "they are simply the resort of prostitutes, and are kept by persons carrying on an illicit trade in spirits. Therefore, we propose that these houses shall close at half-past 12." If he (Mr. Melly) had summed up the case of these refreshment houses, instead of making such a proposal, he would have summed up in four words—"shut them up altogether." It was no great compliment to the 2,791 beer-houses in the metropolis that they should be closed half-an-hour earlier than the night houses, which had been so accurately described by the Home Secretary as the resort of unfortunate women, and as illicit dealers. Now, what was a beer-house? A beer-house in Lancashire, Staffordshire, and Cheshire, at least, was a club kept by working men's wives for the accommodation of their husbands and their husbands' friends. It was the Carlton and Reform of that large section of the working classes who were not members of the Alliance, and did not belong to the mystic brotherhood of Good Templarism. It was a place furnished with wicker chairs and deal tables; it might be it possessed a snug parlour in which men sat, in contradistinction to a place which was unfurnished, except as regarded half a mile of mahogany counter and 100 lights, and in which men stood to drink. The House would create a most unfair distinction if it dealt with these places in the unfair and unequal manner which this Bill proposed. If it did so deal

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with them, it would be committing a breach of faith against the beer-house keepers. Under the 45th section of the Act of 1872, they had been compelled to improve their properties, and to increase their value from, say £8, £10, to £15, £20, and even £30, and now that legislation had made them so expend money, it would be obviously unjust to them to pass a Bill which reduced their goodwill value by shortening their hours of sale, while houses which did an opposition trade were allowed to remain open. He knew that beer-houses were unpopular. He knew that the worst characters occasionally congregated in low beer-houses. But those characters would not be improved by a Bill which turned them out of beer-houses at 11 o'clock, and allowed them to top up with another glass of gin at the nearest public, and mix their liquors between 11 and 11.30 P.M. He would now call the police into court in his favour. They said that the proposed distinction had raised a great deal of feeling amongst keepers of beer-houses, and would be very injurious. The Chief Constable of Stafford, Captain Congreve, had written him a letter, in which he said—

"The extension of hours proposed by the Bill will, I think, be in the interest only of the publican and the drunkard. Hard-working men do not want late hours. Again, the re-imposed distinction between beer-house and licensed victualler will benefit no one but the licensed victuallers. Every beer-house, or nearly every beer-house, has a licensed victualler within 20 yards, and the effect of clearing the former half-an-hour before the latter will be to accumulate all the drinking and drunken population for a short time in a very diminished area, with a probability that the several streams confluent from several rival beer-houses may develope, on meeting, quarrelsome tendencies. There will be a great temptation to the beer-house to break the law, in the hope of not losing his customers in that most profitable half-hour, when they are most drunk. Again, the inducement for a beer-house keeper to become a licensed victualler is enhanced; greater efforts will be made, and the result will be that in a greater or less degree the number of houses which sell spirits will increase. Lastly, I find that many licensed houses in this county are inferior in accommodation to many beer-houses, and in such cases especially there seems to be no reason for exceptional favour to the former."

Hon. Members of the House of Commons gave similar evidence. He was really sorry for his hon. Friend the Under Secretary of State for the Home Department. What a speech he would have

made against parts of this Bill had he been in a non-official position. How he would have smashed some of the provisions of the Bill of his Chief, and demonstrated that it was dead in the teeth of the legislation of recent years. What said the hon. Baronet in 1872? Speaking on the 11th of July in that year, he said he believed that irregularity in the hours of opening and closing would be injurious, as men, turned out of an early house, would make their way to one which kept open later, adding that the keeper of the later house would not know the state they were in and would serve them with drink; that they would get intoxicated, and so find themselves in the hands of the magistrates. Then, again, the hon. Member for Chippenham (Mr. Goldney) said the other evening that he highly approved the Bill; but its main principle was opposed to that of 1872, on the back of which the name of the hon. Member appeared, under which the uniform hour of 11 was provided. There was one more quotation he would make, and it was from the speech of a right hon. Gentleman who did not now sit on the front bench, but whose name was revered in the country and respected by both sides of that House. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) said—

"He thought it was clear that the public interest required that all houses where liquor was sold should be closed at the same time. They could arrive at but one conclusion—that if parties who had got three-parts drunk at a house which had to be closed at an earlier hour than another house close by, they would be sure to go to the one that was left open and take what was termed 'a fresh start,' and in such cases it was easy to see that convictions under the Act might be indefinitely, and in some cases unjustly, multiplied: on the other hand, if they closed all houses at the same time, men would then go home and go to bed."—[3 *Hansard*, ccxiii. 329, 330.]

It was not necessary to add a word of argument to that quotation. It was a privilege to be able to call the right hon. Gentleman as a witness on that side of the question. He should now turn to the way in which the Bill proposed to act in respect of diversity of treatment of the different towns. The object of the Bill was said to be to accommodate the public. If it were so, its object was accomplished in a strange way. In the Metropolis there would be 5,300 spirit-houses open at 12.30; 2,800 beer-houses

closed at 12. In Liverpool it was the fashion to have spirit-houses, and so, even when all the beer-houses were closed, the public would be well accommodated. But in Manchester and Salford the fashion was to have beer-houses, and therefore when these were closed the state of Manchester would, according to the right hon. Gentleman the Home Secretary, be most miserable. This proposal to grant spirit-houses an extra half-hour would work most unequally as regarded almost all provincial towns. In Liverpool, spirit licences having been largely granted some years ago to beer-houses, so as to bring them under the control of the police, there were 1,934 spirit-houses and 325 beer-houses; in Manchester and Salford, where a different policy had been pursued, there were 599 spirit-houses and 2,347 beer-houses. Thus, in Liverpool, between 11 and 11.30 p.m., there would be 1,934 open houses for the sale of beer and spirits, or one for every 230 inhabitants, while in Manchester and Salford there would only be 599 houses open, or one for every 734 inhabitants. In Norwich the Bill closed 49 beer-houses, and left open 596 spirit-houses; in Coventry it closed 11 beer-houses, and left open 262 spirit-houses; in Hanley it closed 249 beer-houses, and left open 54 spirit-houses; in Birmingham it closed 1,141 beer-houses, and left open 684 spirit-houses; so much for the inequality in the treatment of towns; if it was said that the proposed change was rendered necessary for the purpose of affording accommodation to the public, those statistics would show that that object would not be attained. He had now closed his case in reference to the two main portions of his Motion, and had endeavoured to show that the extra half-hour was asked for by nobody,—that it was refused by everybody; further, that closing the beer-houses before the spirit-houses would lead to riot and disorder—would double the work of the police—would unduly interfere with that class of working men by whom the beer-houses were owned and frequented. Before sitting down, he wished to say a single word as to the general position of the trade. Under existing legislation, which it was said was unjust to the trade, the trade had got its monopoly restricted, and the value of its goodwill practically recognized. The Act of 1872 was the first

Act in which the value of the licence was recognized as part of the value of the house. That was a great concession to the trade. Considering the whole of the circumstances under which the trade was, he threw out a challenge. He had heard the right hon. Gentleman the Secretary of State for the Home Department say that he wished to induce respectable men to enter the trade. But respectable men were induced to enter the trade by encouragement to capital, and were not frightened by penal clauses, which were not for the punishment of the respectable, but of the disrespectable man. Every conviction, every endorsed licence, every forfeited licence, every closed house, added to the money value of the respectable house by increasing its legitimate business, for even the most disreputable publican did some legitimate trade. That was the challenge he threw out. If the licensed victuallers did not like the legislation of the last eight years, if they did not choose to carry on the trade under the restrictions which Parliament considered necessary, let them sell their houses and leave the business. He knew that in Lancashire and Yorkshire and throughout Staffordshire, since 1872, the value of spirit houses had risen by 25 per cent, and he had heard from a high authority, that throughout London the increase amounted from 12 to 15 per cent. Since 1871, the effect of their legislation had been to increase the monopoly of the trade; and there were now a thousand fewer houses in England and Wales. So much for the assertion that the trade had been "harassed,"—unjustly dealt with. From the year 1870 the action of the Legislature had been to make the trade more strictly a monopoly. Since that year there had been a reduction of exactly 997 houses in England and Wales. Now, look at the money those took over the counter. In 1871 it had been shown that the total consumption of Foreign and British wines, spirits, beer, and all other liquors in the United Kingdom, was in value £119,000,000. In 1873 it was £146,000,000. Professor Levi said that the labouring classes drank two-thirds of all that was drunk in this country. That meant that the labouring classes drank 75 millions worth of drink in 1871, and 97 millions worth in 1873. He was not making a temperance speech, but showing the in-

creased value of the monopoly. The houses had been decreased by 1,000, and to those which remained there was an increased trade of from 16 to 18 millions across the counter to the poorer classes of the community. He thought the trade had no claim upon the House on the ground of injustice; and if it had a claim, it was, according to this Bill, a claim for increasing riot and disorder in all our cities by half-an-hour every night, a claim he moved to disallow. He must make a remark upon the inconsistency with which the Home Secretary and the Government were dealing with these social questions. The Chancellor of the Exchequer had regretted the increased consumption of spirits. The Home Secretary now brought in a Bill to increase the time during which spirits might be consumed. Last Wednesday the Home Secretary promised a Bill to reduce the hours of labour in factories. This was a Bill to increase the hours of hard work of those engaged in tap-rooms and gin-palaces. Was the atmosphere of gin-palaces less unhealthy, or their moral influence purer than that of cotton or woollen factories? Was nothing to be done in these days of Nine Hours Bills for the potboy and the barmaid? Had these no bodies that might be tired, and constitutions that might be ruined as well as the workers in factories? The right hon. Gentleman the First Lord of the Treasury had told the Royal Academy that—"There must be in a Government, unity of design, unity of purpose in their policy, a firm and flowing outline in their measures." He saw no unity of purpose, and nothing flowing in their measures except brandy and gin from 11 to 11.30 P.M. in all the great towns. He was bound to say he saw no unity of design in the various Bills of the present Government dealing with social questions, some of which might be excellent; but that particular one was not such as the country had a right to expect from a Government which was far too strong to be compelled to pander to any trade, and which sat on the Treasury Bench not to represent a party, but to govern a nation. As they were strong, so let them be firm to resist class claims, and to prefer the welfare of millions to the interests of a pampered trade. Power carried with it great responsibility, and the Home Secretary was especially responsible for the

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maintenance of law and order, which every provision of this Bill was calculated to endanger. In conclusion, he thanked the House for the indulgence shown him. He might have argued his case upon higher, upon religious grounds, instead of basing his arguments upon law and order only. This, at least, he would assert—as there was probably not a Judge, a Recorder, or a superintendent of police who was in favour of this extension, so there was not a rector, responsible for the moral welfare of a large parish, a Nonconformist minister, labouring for the salvation of his flock amid the millions in our manufacturing districts, a Catholic priest, wearing away his life in the fetid courts and back slums of the Irish quarter of our large towns, who was not opposed to increased facilities for drinking. Had the ministers of religion a vote here to-night, he should with certainty await their decision. But it was not without confidence that he left his Resolution in the hands of an Assembly so largely composed of chairmen of quarter sessions and justices of the peace for counties and boroughs, whose duty it was not only to make laws in this House, but to administer them in the country. In conclusion he would move the Amendment of which he had given notice.

MR. PEASE, in seconding the Motion, said, he heartily agreed with the hon. Member for Stoke (Mr. Melly) in regretting the absence from the House of Commons of Mr. Bruce, now Lord Aberdare, and of the late Mr. Winterbotham, who were so intimately associated in the promotion of the state of the law that it was now proposed to change. He was not going to use the strong language used in "another place," with regard to the way in which the Bill had been forced forward; but what were the facts? The Bill was brought down on the 2nd of April. It was formally "brought in" on Monday the 27th ult.; it was not delivered until the 1st of the month, and it practically did not get into the country until the 5th; and now, on the 11th, they had the second reading! The country had not had time to consider the Bill. From letters he had received up to that morning, he considered that if more time had been allowed there would have been a still stronger expression of opinion with reference to it. They had not had

much more than 12 months' experience of the Act of 1872—as a matter of fact—there had only been one Brewster Sessions since it came into operation—and yet they were already called upon to amend that Act! He thought the House was entitled to some strong proof that the alterations which were proposed would amend the Act of 1872. Who was it that asked for an alteration of the law? Generally, complaint came from those who administered a faulty law, or those who suffered from its administration, or from on-lookers in the general interests of the country. Had any of these conditions been complied with in regard to the Act of 1872? Had it been found to work injuriously? Was it shown that this Bill, if passed, would make it work better? On the contrary, he should undertake to show that that Act, for the short period it had been in operation, had worked most successfully so far as the country was concerned; and that the present Bill would not have the effect of amending it. The publicans had not asked for the Bill; and, if they did not require it, he was certain from the meetings that were taking place every day that the middle classes did not ask for it; the ministers of religion viewed it with undisguised alarm; officers of the peace reported against the proposed alterations in the existing law, and the magistrates without exception were opposed to it. The Bill dealt with four points—the hours of closing; the abolition of clauses with regard to adulteration; the endorsement of licences; and the fixed minimum fine. Before speaking of the country, he wished to say a few words with reference to the metropolis. The Bill of Lord Aberdare defined the metropolis as "the City of London, or the liberties thereof, or any parish or place subject to the jurisdiction of the Metropolitan Board of Works, or within four miles radius from Charing Cross." What was the district of the right hon. Gentleman? It was thus described in the Bill—"The metropolis, as defined by the Metropolis Management Act, 1855, and the adjoining places hereinafter named—that is to say"—blank! Then, what? Was the district larger or smaller? It seemed to him that the mind of the Government was not made up when the Bill was printed. Therefore, he proposed to ask the Government what they meant by their metropolitan

district. If the district was larger than before, so many more public-houses would by inclusion have their hours of closing extended from 11 to 12.30. If smaller, where was the consistency? The houses excluded would have their hours curtailed from 12 to 11.30. He complained of the removal of the power as to the theatre licences, the argument urged in support of its abolition being the weakest he ever heard; and he asked, were the whole 6,000 public-houses of London to be kept open for the accommodation of the few theatre-goers who frequented public-houses after leaving the 44 theatres existing in the metropolis? It was not pretended that the middle classes of London had asked for that alteration of hours. Had the working classes in the metropolis asked for the Bill?—and by the “working classes” he meant those British workmen of whom they were all proud—men who did not spend their evenings in public-houses. What about the publicans themselves? He was told the figures quoted by his hon. Friend who brought forward the Motion were very strong indeed—stronger than he represented them. Of the total 6,000 odd hundred licensed victuallers of the London trade applied to, and that replied to the circular, only 445 asked the hours to be extended to 12.30 or 1 o’clock; while 3,329 desired no change, and the rest cared so little about it that they did not reply! Therefore they were practically forcing on the unwilling publicans an extra half-hour, which would be a bane to the whole of the metropolis. He did not speak without authority in alluding to the feeling of the London trade. A few more answers subsequently dribbled in, but they were in much the same proportion—that was to say, about 13 per cent, or 890 out of 6,700, being the proportion who asked for an extension of the present hours. He thought that fact should be known, as one highly honourable to the trade. He asked the right hon. Gentleman the Home Secretary if he had ever gone into the East of London at a late hour of the night, and seen who it was that entered the public-houses, who were swinging the gin-palace doors backwards and forwards, the last hour during which they remained open? They were the most abject children of penury and want; a generation whose neglect and debasement were a disgrace alike

to our laws, our civilization, and our Christianity; and it was to these the Government proposed, by this measure, to give increased facilities to drink. Among these East London men, the education of the gutters and the public-house had already produced some lamentable fruits. A correspondent in the country, alluding to some who had been, in the spring of 1872, transplanted to an industrial district, wrote this description. He would trouble the House with a passage, showing the results as compared with others of the same class reared under happier auspices—

“Amongst the men who were brought from London in the summer were some of the worst characters I ever saw. Most of them were intemperate men, and for a while made our village look like a little Pandemonium, and especially on pay nights. For weeks after they came, I devoted two or three nights a week threading my way amongst them at their lodgings. Almost every word an oath. Not many of them could read or write. Both the vicar and I tried to induce them to attend some place of worship on the Sabbath-day, but very few could be found in such places. They crowded the three public-houses every Saturday night, and many of our old hands were crowded out by the fresh comers.”

Such were the habits fostered by late drinking! For his own part, he felt it would be better for society, better for the police, less destructive of the morals of certain districts of London, were they to licence 1,000 extra public-houses for theatre purposes than that they should have an hour’s more drinking in the licensed houses that now exist. With respect to the rest of the country, what was the state of feeling? At a meeting of Barnard Castle and surrounding district licensed victuallers, held on the 13th of January, 1874, there was some discussion on the draft Bill of the Licensed Victuallers’ Protection Society of London—a Bill, by the way, whose proposal was a universal closing hour of 12 o’clock—and the second resolution passed at that meeting was as follows:—

“That in rural districts, villages, and most towns having a population under 10,000, it would needlessly entail on the publicans a serious loss of sleep and expense, by requiring them to keep open their houses to the general public until 12 o’clock (midnight), their customers being usually in bed by 9, 10, or 11 o’clock.”

Then the Barnard Castle Victuallers, like sensible men, went on to say that they ought not to be so compelled. The intelligent chief constable of the borough

of Middlesborough, reporting on the 5th of May this year, delivered his view of the question in these words—

"In my opinion, extending half an hour at nights is not required, and I believe the majority of publicans in my district do not want it. If the Bill should pass into law, the licensed victuallers would be subject to annoyances, by men in a half-drunken state turning out of the beer-houses at 11 o'clock, and then for a short time these would flock into the licensed houses and cause disorder, &c. I think it is a pity to disturb a Bill that has worked so well and done so much good."

Another correspondent in the country supplied him with the following:—

"Called on —, formerly a sergeant in the police; he keeps the — public-house. He is all for short hours, and thinks it would be sad indeed if the publican was compelled to keep open longer hours than he does now. He would like to close much earlier. It would add much to the comfort of the publican and his family, and to the welfare of the country at large. He gave me full leave to make use of his opinion as thus expressed."

The same correspondent wrote—

"I saw also —, of the Turf Hotel, at —, once a policeman. He said the best thing that ever happened to us was the shorter hours. I hope the time will not be extended. He hoped your efforts would be attended with success; he felt sure the trade would support your views."

Another correspondent, a secretary to one of our agricultural societies, sententionally put his opinion thus—

"Pity but the 'publics' were closed earlier, rather than later. All publicans with whom I have spoken like the earlier time."

From what he observed in the newspapers of his own part of the country, the present measure was, in its main features, received with marked disapproval. At Darlington, the town council had discussed the question, and the corporation petitioned against the Bill; one respectable licensed victualler, a member of the town council, expressing the opinion that, "as a body, the licensed victuallers of the country cared nothing about the half-hour." Again, at Stockton, Mr. T. Carrick, of Newcastle, at a public meeting held to protest against the present measure, said—

"They had heard a great deal about 'plundering and blundering,'—Mr. Cross had certainly 'plundered' and 'blundered' by proposing a measure of this kind. That extra half-hour meant more drunkards, more paupers, more jails, more executioners, more everything for which sober ratepayers had to pay."

The fact was, as Mr. Councillor Prior, of Darlington, put it, the licensed victuallers, "as a body," had not asked for

the extension; and the few who did desire it were not those to whom the House of Commons ought to listen. He would further point out that the interests of the peace-loving well-to-do middle classes of the country were altogether opposed to extending the hours to that period of the night, which an hon. Member of that House had described most graphically as "the hour in which drinking merges into drunkenness;" and neither could it be pretended that any request for the extra half hour had been made by the working classes. How could such a thing be supposed? "I have gone to talk to the men about it," was the language of S. Leicester, in speaking on the Sunday Closing Bill; "they sincerely wish the drink was 1,000 miles away; that it was a guinea a pot; that is the general expression of the working men." He (Mr. Pease) could cordially join the right hon. Gentleman in deploring the extent to which the wages of working men went in the purchase of drink; but let him assure the right hon. Gentleman there was another side even to that gloomy picture of his. Workmen's wages had not all gone that gate. Hundreds of thousands of pounds of the recently increased earnings had gone into houses, furniture, and increased home comforts. In introducing the Bill the right hon. Gentleman said the country would have been so much richer, if so much drink had not been taken, and if so much waste and profligacy had not existed. The right hon. Gentleman dwelt on that theme, and pointed out how much happier the homes of the working classes might become, if their habits were different; and, then, what did he propose to them, in order to cure those evils which he admitted? Why, to remedy the evils of drunkenness and crime, and to add to the national wealth, improve the dwellings of the poor, improve their education and general condition, he proposed to keep public-houses open half-an-hour longer. Anything more ghastly illogical than that prescription of the Home Secretary had hardly ever been brought before the House. Having already stated that the publicans of the metropolis did not ask for the extension of hours, what he asked was the opinion of the licensed victuallers in the country? In his own district, wherever he went during the last Elections, he was told on all hands by the publicans that

whatever he did he must vote against an extension of hours. He was not one of those who declared they had no publican supporters. He had publican supporters, and he did not want to reduce their number. Many of them told him that what they wanted was, rather to shorten than to lengthen the hours during which they might keep open. Then, the publicans in the rural districts did not require extended hours. As it was, many of their customers were in bed before the closing hour arrived. He contended that the half hour's extension was not required. With regard to the anxiety of the right hon. Gentleman about improved dwellings for the working classes, he could assure him that a great deal of their savings went into building societies for the purpose of providing their own houses, and so protecting themselves from the temptations of the public-house. Would the right hon. Gentleman increase those temptations by adding half-an-hour to the present hours? Would that not check, rather than promote, the object the right hon. Gentleman had at heart? And if the middle and working classes of the people had not asked for this legislation, neither had the clergy. Ask the Northern and Southern Houses of Convocation, whose formal resolutions in favour of restriction, not extension, of hours gave the answer! Ask those who deny themselves an indulgence which in moderation they regard as harmless, that their fellows may not be ensnared into evils inseparable from excess; and they reply, in the language of Mr. Charles Buxton, M.P., in *The North British Review*—

"We are convinced that if a statesman who heartily wished to do the utmost possible good to his country were thoughtfully to inquire which of the topics of the day deserved the most intense force of his attention, the true reply—the reply which would be exacted by full deliberation—would be, that he should study the means by which this worst of plagues can be stayed. The intellectual, the moral, and the religious welfare of our people, their material comforts, their domestic happiness, are all involved. The question is, whether millions of our countrymen shall be helped to become happier and wiser—whether pauperism, lunacy, disease, and crime shall be diminished—whether multitudes of men, women, and children shall be aided to escape from utter ruin of body and soul? Surely such a question as that, enclosing within its limits consequences so momentous, ought to be weighed with earnest thought by all our patriots."

Adopting that language, he asked his

Mr. Pease

right hon. Friend if he had weighed this proposal with the earnest thought of a patriot when he brought in the Bill? He asked him further, had he taken counsel of those who sat on the same bench with him? And, if so, was that wretched Bill the result of his deliberations? At all events, he could not have consulted the noble Lord the Member for Liverpool (Viscount Sandon), for according to *Hansard*, that noble Lord was reported to have said on July 27th, 1872—

"There could be no doubt that drinking at late hours was the cause of great demoralization. . . . He appealed to the state of his own town for confirmation of this view. The justices, stipendiary magistrates, merchants, ministers of religion, all concurred in saying that those evils were to be traced to drinking after 11 o'clock at night."—[3 *Hansard*, cxxii. 1967.]

He must further contend that the Act of 1872 had been carried amid a general chorus of approval; that it had effected manifest improvements, and driven no respectable man out of business. Hardly anyone asked for that Bill except black sheep, who were to be found in every profession, and who were, of course, to be found among the publicans. Were places like Kingston-on-Hull, which had decided to close at 10.30, to be compelled by the Bill to have the public-houses open to 11.30? The one plausible principle of the Bill was not carried out in its provisions—it took discretion from justices, but not to repose it in the Imperial Parliament—the option was transferred from the licensing magistrate to the licensed publican. As to the extension of hours being popular, it ran right in the teeth of the most popular movement of the day—that for early closing; and it was about the worst exception to that rule that Parliament could conceive, or the law enforce. With regard to the adulteration clauses, there was no doubt some plausibility in legislating to prevent adulteration in the food of the people; but he submitted that these special provisions might as well be left out of the present Bill, as our general legislation would, to a large extent, meet the case; and it was much better to have a common law than a number of special enactments. Besides, the inquisitorial character of the search given by the present adulteration clauses was one to which he thought the licensed victuallers of the country had a right to object. But his main objection was, to that which the

right hon. Gentleman had laid most stress upon as the principle of the Bill. If on that he had spoken warmly, it was not that his feelings, though keen, were in this matter either prompted by personal considerations or by party bias. It was because in his own native county of Durham he knew and felt the importance of the ameliorative legislation of 1872. In that county they had many provident working men; new schools, chapels, churches, built for the most part and supported by the same class; new houses, and increased home comforts, all resulting from the industrial prosperity which had prevailed; but amid all this—side by side with all this—recklessness and disorder had been seen, consequent upon excessive drinking, the convictions for drunkenness rising from 4,759 to 9,926, while crimes, even murders, had marked this saddest phase of our social degradation. Much had been done to cure that one monster evil. The clergy and ministers of all denominations had zealously co-operated in endeavouring to stay the plague; large employers had done much to aid and stimulate every good work; many teetotal organizations had, in another sphere, worked effectively to the same end; and yet they heard learned Judges on the bench, at recurring Assizes, lament the prevalency of a vice closely associated with the spread of fearful crimes. It was in answer to the appeals of such authorities as these that some slight restriction was conceded in 1872; it was now, when from the same quarters more restriction was demanded, that the power to close a little earlier than before—so recently granted—so much prized by respectable licensees and by society—was proposed, by a responsible Minister of the Crown, to be taken away! It was, therefore, he appealed to the right hon. Gentleman—and appealed to him in the name of that law and order of which he was the expositor and guardian—it was, therefore, he prayed him to stay his hand ere he asked the House of Commons to pass a Bill which, once made law, must add to the already fearful category of drunkenness, of poverty, and of crime which stained the social annals of our country.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words

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"in the opinion of this House, no measure for the regulation of the sale of Intoxicating Liquors will be satisfactory which affords increased facilities for drinking, and which deals unequally and unfairly with a considerable branch of the liquor trade,"—(*Mr. Kelly*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR HENRY SELWIN-IBBETSON said, he had listened with great attention to the speeches of the hon. Mover and Seconder of the Motion now under discussion, and while stating that he coincided with them in lamenting the extent to which drunkenness had increased during the last two years, he should like to bring the House back to the real question contained in the Bill of the Government, and the reasons why they had brought it forward. It was quite true the Act of 1872 had been passed by the common and general assent, and with the aid and assistance of hon. Members on both sides of the House; but he would remind those who had been Members of the late Parliament that it had been passed at a time of the year when a fair discussion of its provisions was impossible, and that in consequence of that hurried consideration, errors had crept into it which rendered it absolutely necessary that Government should now or ere long endeavour to remedy those defects; and he ventured to think that one of the gravest of those defects was one which he himself had then protested against, and that was the discretion given to the magistrates to fix the hours of closing. Those hon. Members would remember that from the very first, and during the passage of that measure, he had advocated that Parliament itself should fix the hard-and-fast line of closing, and so settle a question of such importance. In fact, there was an Amendment of his own on the Paper to that effect, and the reason why he had not moved it was simply because the clause vesting the discretion in the magistrates seemed to give so much pleasure to every section of the House at the time it was proposed, that he felt he could not obtain any support in opposition to it. They all knew that, however zealous the magistrates might be in the discharge of their duties at the Brewster Sessions, there was generally

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a bias in their decisions; and if there was not any such bias, still the people thought that such a thing did exist. The members of the bench often entertained extreme views on this question, and it came to this, that however honestly they might act in carrying out what they believed to be for the public good, their decisions often showed that they were biased by extreme views, and so long as that discretionary power was entrusted to them, so long would there be a constant agitation to get the hours altered. That was a grave fault in the existing measure. If they looked to the Returns of how the magistrates had exercised the discretion vested in them they could not help coming to the conclusion that the provision in question had not worked well. In most instances the magistrates had refused to incur the responsibility of fixing the hours, and that accounted for the fact that there were as many as 690 licensing districts in which the hours had not been altered. It was therefore that his right hon. Friend thought that it was objectionable to rest this discretionary power in the magistrates, and that in the Bill he made it a cardinal point that that power should cease, and that Parliament itself should fix the hours of closing. The question what the hours should be was quite a different thing, and what Government had done was merely to suggest to the House the hours which they thought the information they had received would bear out as the best and most suitable for the public convenience. The hon. Gentleman the Member for Stoke (Mr. Melly) knew how difficult it was to obtain reliable information on those points. He (Sir Henry Selwin-Ibbetson) had information of a satisfactory nature from the police, from clergymen, from magistrates, and from the trade itself; but the difficulty which always existed, and which existed as much now as in the past, was that of ascertaining what the wants of the people really were. Hon. Members of the House representing their constituencies, and not any particular section of them, were, he thought, the men who were best able to interpret what the wishes of the country really were, and therefore while the Government were determined to make it, as he said, the cardinal point of the measure that Parliament should lay down the hard-and-fast line, they were pre-

Sir Henry Selwin-Ibbetson

pared to take hon. Members of the House into counsel in determining where this hard-and-fast line should be drawn. The idea of the trade was in favour of uniformity of hours, and that 12 o'clock should be the hour of closing throughout the country generally. He believed that this proposal had secured a large support from the trade generally. It had certainly secured the support of the metropolitan trade. But then came the question whether the London trade, in sacrificing the half-hour offered to themselves in order to arrive at uniformity, fairly represented the wants of the public; and if they did not represent the wants of the public, ought they to be heard on this point of closing at 12 o'clock, instead of at 12.30? He would leave that matter then with the remark that the Government considered uniformity of closing an impossibility. That was another cardinal part of the Bill. Having, then, fixed on those two cardinal points—first, to take away the discretionary power from the magistrate, leaving it to Parliament to determine the hard-and-fast line; and, secondly, to have nothing to do with the principle of universal uniformity—it was but right that he should now state the reasons which had led the Government to suggest to the House the hours mentioned in the Bill. First, with respect to fixing 12.30 as the closing hour in the metropolis. The Act of 1872 provided for the issue of exceptional licences to meet the wants of a certain class of the public; but they had now a large amount of evidence as to the working of that measure, which showed that the 54 houses to which those exceptional licences were granted drew away the business from other houses in their neighbourhood, which was an injustice to the trade generally, and they had, too, the most complete evidence that the class of people who frequented these houses was not the class for whose accommodation they had been intended. Instead of being frequented by those who left the theatres after 12, these houses were the haunts of those who, driven from the other houses at 12, wished to prolong the time of their dissipation. Again, the evidence showed that as a rule the theatres closed at 11.45, so that those who might have been there to witness the performance had a quarter of an hour during which they could

provide themselves with refreshments. However, to cover the possibility of their not being able to do so, it was thought better to insert 12.30 in the Bill for the whole, rather than continue the practice of licensing those exceptional houses. Then, as to the hour—11.30—of closing, about which hon. Members had raised such a storm, he was willing to admit that the Return obtained by the hon. Member for Stoke would, at first sight, favour the impression that the larger portion of the country was satisfied with the present arrangement; but then they had evidence from the mayors and police in different boroughs which showed a state of things which he looked upon with dread—namely, that in many places where the hours had been restricted illicit drinking had become the custom, almost the habit. The mayor of Worcester said, that in that city the curtailment of the hours had led to an increase of secret drinking. The mayor of Warrington told them that if the hour of closing were fixed at 10 o'clock, a large increase of illicit drinking would be the consequence. The mayor of Kingston-upon-Hull complained of an increase of drunkenness in consequence of private drinking occasioned by shortening the hours. The mayor of Kendal told the same story. The police of Gateshead complained of a great increase of drunkenness arising from high wages, fewer hours of labour; but, above all, from street drinking, under what was called the bottle system. People bought the spirits in the public-houses before closing hours, but drank them either in the street or in private houses. The police of Halifax, of Cumberland, Westmoreland, Salford, and Bradford made the same representation, and stated that any further restriction of the hours would cause a great increase of drunkenness.

Mr. W. E. FORSTER asked if these Papers were on the Table of the House?

SIR HENRY SELWIN-IBBETSON said, the letters of four of the mayors were not on the Table, being answers to letters written by himself. The statements of the police were in a pamphlet which had been circulated among hon. Members of the House.

Mr. MELLY asked if these Reports, when they spoke of illicit drinking, meant drink bought and drank in unlicensed houses?

SIR HENRY SELWIN-IBBETSON said, that they meant that the drink was purchased in the public-houses before they closed and then drank in unlicensed houses.

Mr. MELLY observed that that was not illicit drinking.

SIR HENRY SELWIN-IBBETSON said, the Reports proved the evil results of drawing the line too tight; for if they reduced the hours too much, the result would be a large increase in the traffic for illicit drink. The difficulty in his mind was as to the propriety of reducing the hours; and in laying down 11.30 as the hour of closing the Government were influenced by the wishes of the population of large towns, who required a different system from those of small towns and the rural districts generally. As to the latter, the Return, which on the Motion of the hon. Member for Stoke had been placed on the Table of the House, showed that out of these districts, only four wished to have the hours extended, while in only 38 had they been at all curtailed, thus proving that in by far the largest number of cases the local authorities had not ventured to touch the hours at all. For those reasons the Government had placed the same hours that now existed in rural places in the Bill. There was, however, one part of the country—namely, Wales—in which singular unanimity had been shown in shortening the hours, 29 districts out of 33 having adopted that course; but it was impossible that Wales should give its hours to England. But the Government had by a clause in the Bill given the publicans liberty to reduce the hours where there was unanimity on the point, and where practically, as the wants of the district admitted, the houses were closed at an earlier hour. With regard to the morning, the Government had had endless remonstrances against the hour of 6, which was placed in the Bill; but the evidence generally was in favour of opening at an earlier hour than 7, and therefore it was thought better to leave the morning hour in the Bill as it stood. In short, the hours in the Bill as submitted to the House were merely suggestive. The hon. Member for Stoke stated that the action which he (Sir Henry Selwin-Ibbetson) was now taking was contrary to that which he had before taken on this subject; but he would ask his hon. Friend to remember that

when he advocated uniformity it was the right hon. Gentleman the then Home Secretary who defeated him, and he believed the hon. Member for Stoke himself was among the majority. The hon. Member was, however, not justified in saying that the Bill of 1872 set up the principle of uniformity, and the Government were now endangering it. One of the chief merits of the Bill would be found in the restriction which it would impose on so-called refreshment-houses, which were really used for the purpose of carrying on drinking when the public-houses were closed. Then, as to the power of entry given to the police by the Bill of 1872. This power had not been generally abused, but it had in some instances—black-mail having been levied by the police under the provision—and therefore the present Bill, while enabling the police to enter or repress anything wrong, would take away from them the power of meddling. With regard to the record of convictions, he felt when the Bill of 1872 passed, and he felt still, that the magistrate should take on himself the responsibility of his action, and that it should not be left to depend on accidental forgetfulness whether a conviction was recorded or not. Under the Bill of the Government, the magistrate would have before him in every instance a full record of the convictions, and he would decide with perfect knowledge whether a person was fit to hold a licence or not. With regard to occasional licences, hitherto it had been open to a publican in any part of the country to set up a booth at any fair, or on a race-course, and to carry on a trade without being subject to police supervision. It was thought that this ought not to be, and that the magistrates of a district ought to decide whether the applicants for occasional licences should have them. In these minor details the Bill was framed in the spirit of the Act of 1872, and it would be found not to weaken, but rather to strengthen, what Parliament did in that year. The object of legislation should be to improve the character of the tenancies as much as possible, and to make the tenants of the houses the guardians of public order, and the result of the present measure would, he believed, secure that result. The object of the House ought to be an attempt to regulate the trade rather than to suppress it, by removing hard-

ships which at present existed, and he believed that the cardinal points of the Bill would tend to the improvement of the whole of our licensing system. As to the hours of closing, he could only repeat that, while the Government suggested what they believed to be best, they were quite prepared to let the House join them in determining what the hours should be.

MR. JAMES asked, why it was Her Majesty's Government were so eager to introduce an uncalled-for measure like the present, so early in the Session, when there were so many other questions of social importance more deserving of consideration? The Government had referred the question of the Master and Servant Act and the Criminal Law Amendment Act to a Royal Commission. Why were they unwilling that the wrongs of the publican should remain a little longer at the bar of public opinion? A distinction had been drawn as to the operation of the licensing system so far as it affected the rich and the poor; but if the working classes wanted to have intoxicating liquors they could have them as well as the rich by acting on the co-operative system: in his opinion, a good one. They did not do so, however, because they were well aware the evils intoxicating drinks were to them. As to the limit of hours in keeping public-houses open, he thought it would be better to leave this matter to the discretion of the magistrates than define it in an Act of Parliament. The Bill of 1872 arranged the matter well enough. Uniformity of hours would, in his opinion, stimulate local agitation. In the rural districts, in the harvest and hop-picking season, the magistrates should have the power of permitting publicans to open earlier than usual. In large towns a later hour was desirable. Another evil underlying the Bill was not only the extension of the hours of closing, but its tendency to increase the number of licences. It would have been better if the Government had remained firm, and said they would not allow any more licences, and only sanctioned the transfer of them from those districts where their number was so great as to make the business unprofitable. In the large towns it was not the old-fashioned public-houses that did any harm, but the large spirit bars, which were most objectionable. In the

northern towns, companies of Scotch brewers were buying up the public-houses to convert them into dram shops, and were acquiring adjacent houses in order to get as large a frontage as possible. Though there were certain vices in contradistinction to crimes which the Legislature could do very little in repressing, and drunkenness was one of them. The more he considered this question the more he regretted being unable to perceive any bridge to unite the great gulf which separated the fanaticism—he would not say the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), but some of his followers were so fond of upholding—and the plausible optimism others in the House were fond of advocating; but if the Government Bill became law, he felt sure the results, in the best interests of society, would be most disastrous, and he could not understand the logic of those Gentlemen who said that it was in the cause of temperance they were working, and simultaneously gave facilities for drinking. The hon. Baronet the Under Secretary of State for the Home Department had announced the intention of the Government to be guided by public opinion in the matter of hours, and he was glad to hear so from him, but he thought he detected in his manner and in his voice some misgiving, as if a course no less famous than that of his predecessor was opening to him, though he was sure that the Government intended to act in reference to this question in a manner perfectly honourable. He did not wish to restrict anyone, but the whole circumstances of this trade were so exceptional as to justify exceptional legislation. The one feature of the subject which he viewed with alarm was the political influence which the trade had shown itself capable of wielding. Some said that they were going to be overwhelmed by democracy under the Reform Act of 1867. Some viewed the landed interest as overbearing, and others, the Church as tyrannical, but they were trifling in comparison with the powers put forward at the last Election by this interest in general. He was sorry that at the Election, trade considerations should have been placed above every other; and that either party was to obtain the support of the trade by merely outbidding the other on the principle of competition. He thought

the course taken by the Government in reference to this subject was a mistaken one. Though the Act of 1872 was certainly not a perfect one, and had for a time led to some confusion, like every other Act of local administration, the public and the trade were gradually perceiving it gave satisfaction; notwithstanding it was made a “cry” at the hustings, and thrown out as a bait for candidates. He could only say that if the right hon. Gentleman was not already bewildered by the diversity of opinions he met with, there was only one suggestion with which he could honour him, and that was that after the Bill was passed, he and his Colleagues should settle down in the vicinity of one of the low spirit-bars which it was favouring, and see whether it conduced to the decency, the peace, and the comfort of the homes of the people whose well-being was so important to everyone.

MR. HERMON said, he had had the honour of presenting a Petition complaining of the proposed extension of the hours of public-houses, and he was glad the hon. Baronet the Under Secretary of State for the Home Department had so clearly explained the views of the Government on the Bill. Had the Bill dealt only with the extension of the hours, he should certainly have opposed it; but he hoped the House would, after the frank statement of the hon. Baronet, assent to the second reading. He thanked the hon. Member for Stoke (Mr. Melly) for having moved the Amendment, since it gave hon. Members an opportunity of stating their views on the subject. He was far from being insensible to the influence exerted by the licensed victuallers at the last Election, and the pressure brought to bear upon candidates with a view to pledge them to this or to that course. But the licensed victuallers of this country were not a bigoted class of people, and nothing in the world would have induced him to advocate an extension of hours, for he saw that the moderate hours lately acted on had proved beneficial to the country. The right hon. Gentleman the Secretary of State said he had adopted the views of the House on a branch of the labour question, and that they had been embodied in a Bill which would soon come before the House under the title of the Fifty-six Hours Bill. When they considered that that

Bill would have the effect of giving operatives in the North, and in the manufacturing districts generally, an additional half-hour which they might devote to the library, to recreation, or to the public-house if they pleased, that circumstance, in his opinion, took away one of the arguments for the extension of the hours. He hoped, after the statement that the House itself should be the arbiter of the hours throughout the country, that it would take the measure into its consideration; because the Bill not only dealt with the hours, but with disadvantages — he might call them grievances — with which the licensed victuallers certainly had to contend. He referred in particular to a system of *espionage*, or inspection, which was conducive neither to the comfort of the public, nor to the satisfactory conduct of public-house business. There were several details of that kind which the Bill dealt with, and on that account it should have the attention of the House. He was aware that in urging the limitation of hours and confining them to those already fixed, he was not taking a course that was very popular. At the same time there were higher considerations than that of obtaining a seat, or of retaining it when it had been got, and he, for one, was willing to run the risk of losing it by doing that which he considered to be right. He thought the Government had taken a bold and manly course when they announced their intention of taking the vote of the Committee on the Bill to decide the question whether the public were favourable to the extension of hours or not. If the Bill was thoroughly examined it might be brought into a very satisfactory state. He was glad the Government had taken into their consideration the question of the additional half-hour given to houses in the vicinity of the theatres. It was his opinion that if it was found necessary to give that half-hour to those houses, it should have been extended to the whole of the metropolis. But if it was necessary that those who frequented those houses should have half an hour for refreshments after the performances were over, the proper course would have been for the theatres to commence their performances half an hour earlier, so that there should be no necessity for the exceptional licence. He believed that the proposed change in extending the

hours was unwise, as he thought the public throughout the country had become accustomed to the new hours, and beyond that, he thought the course proposed would create much harm, and would have the effect of increasing immorality, pauperism, and the poor rates. There had been of course exceptions, and in some towns in the North he believed much public inconvenience had been felt. In his town they had suffered as much as they had anywhere. He believed, however, that they had now before them a Bill which, with the assistance of the House, could be moulded to the advantage of the country. The complaints of the licensed victuallers could be redressed without destroying the good results which the public expected from this legislation. In every point of view he thought the extension of the hours would have been bad, and he was glad the Government had taken a reasonable view of the subject, in deference to the judgment and wishes of the country generally, and instead of extending hours which he thought ought rather to be reduced, were ready to accept the view of the country and of the House upon the question.

MR. EVANS said, that having had more experience on the question than many hon. Members of the House, he might, perhaps, be allowed to make a few remarks on the Bill. He had been a magistrate and chairman of quarter sessions in his county, and also a town councillor and a mayor, and in those various capacities had had opportunities of noting the working of the different Licensing Acts passed at different times. He begged to assure the House that it was not his intention to criticize the Bill in any unfriendly spirit. He looked upon the right hon. Gentleman the Home Secretary as a man of the best possible intentions, who had had great experience as a magistrate and at quarter sessions, and he was sure he would not press on a measure which he believed to be objectionable. If he had been desirous of opposing the Bill, he should not have felt inclined to continue that opposition after the speech of the hon. Baronet the Under Secretary of State for the Home Department, and indeed some of the things he had mentioned had given him great satisfaction. First, he had cleared up that portion of the Bill which related to the metropolis.

Mr. Hermon

At first he was not prepared to give an opinion on that portion of the Bill, as he knew that late hours in the metropolis were very usual; but he was glad the hon. Baronet had completely cleared up his difficulties on that part of the Bill by stating that the special licences to houses near the theatres had been altogether a failure. He therefore thought that this fact took away the reason for extending the hour from 12 to 12.30. The decision of the Government to re-consider the hours of closing throughout the country, and to take the sense of the House and the country upon it, was very satisfactory, and he regarded with favour the proposition that early-closing licences should be issued at a reduced rate, believing that they would be largely taken out in small country places. The proposal to give a discretionary power to the magistrates in regard to penalties for the first offence would be advantageous, because it was in accordance with the general spirit of our criminal legislation. He could not, however, say the same with respect to the proposed alteration in reference to the endorsement of convictions upon licences. He thought it far better the law should be left in its present state especially with regard to endorsements for second offences. The public and the magistrates ought to understand that the intention of the law was that upon second offences the licences should be endorsed. The infliction of a fine, however heavy it might be, was a very small instrument for keeping order in public-houses; while the endorsement on a licence not only affected the publican, but it obliged the landlord—that was the owner of the house—to be very careful in seeking a responsible and respectable tenant. One thing he thought would be a great improvement in the existing law—namely, the suggested definition of the *bond fide* traveller question. It would strengthen not only the hands of the magistrates and the public, but it would be a security to publicans who wished to observe the law. The adulteration clauses had been entirely inoperative, and he could see no objection to their repeal. With regard to the question of hours, he had found that in the large town which he represented there was a universal *consensus* of opinion in favour of closing at 11 instead of 11.30; but it was suggested by some

persons that the time of opening should be 5 instead of 6, for the convenience of the working-men who came from a distance, and who were engaged in connection with the Midland Railway and large manufactories in the neighbourhood. This, however, was not his own opinion. From the number of Petitions that had been presented, and from the speeches that had been made in that House, it would seem that the opinion of the House and of the country was strongly against the extension of hours, and he believed that the result of the Government consenting to re-consider the matter and be guided by the general feeling of the country would do honour to both the House and the Government.

MR. ASSHETON said, he regarded the present measure, which was simply an amending Bill to round off some of the angles of the Act of 1872, as an almost insignificant one. The original Act—that was, the Bill of 1872—was, in his opinion, one of the best measures passed by the late Government, and it had done untold good throughout the country; but it did not receive fair play, and had been blamed for the faults of the Bill of 1871. It was quite true that the measure of 1872 had certain defects, and the Government Bill aimed at remedying those defects. And what, after all, were the alterations that were made in the existing hours? The hours on the Sunday in London were the same in this Bill as they were in the existing law; and the other alteration, as regarded the metropolis, only extended the hours at night to 12.30; and the alterations in the hours of closing seemed to be only in accordance with the requirements of the places to which those alterations applied. He did not think that the alterations proposed would in any way increase the facilities for drinking on the part of the people, for the alterations with respect to opening and closing were as a general rule, so small, that in practice there would be no appreciable difference in many places. If he thought that the Bill of the Government was calculated to afford increased facilities for drinking, he trusted that he should have the courage to oppose it, but he did not see that it was fairly open to that objection. He should have been glad, however, if the Government had gone further in the

direction of diminishing the facilities for drinking. He did not think, for instance, that it was desirable to extend the hours of closing in places where it was the habit of the people to go early to bed. It was his intention, in Committee on the Bill, to submit certain Amendments, including a scale of closing hours which he thought might with advantage be adopted. What he would propose was that the closing hours should be as follows:—11.30 in towns with above 50,000 inhabitants, 11 in towns with 10,000 inhabitants, 10.30 in towns with 5,000 inhabitants, and 10 o'clock in country places. He was not wedded to that scale, but he thought that something of the kind might be found to work beneficially. He should vote for the second reading of the Bill, believing that it contained no objectionable provisions which the House might not in Committee satisfactorily deal with, and he trusted the Government would enter upon that stage of the measure unpledged in any respect as to details.

SIR FRANCIS GOLDSMID said, he desired to call attention to a portion of the Bill which had hitherto been but slightly mentioned, and to which he entertained the most serious objections. He wished to do so at once, in order that the House and the Government might have an opportunity of considering the matter before the Bill went, if it was to go, into Committee; and the candid manner in which the Government had met the representations made to them respecting the hours of closing led him to hope that they might treat with equal candour the point on which he had to remark. The proposed enactments to which he referred consisted of the 12th clause of the Bill, and the 4th sub-section of the 28th clause. These would render almost nugatory the provisions for recording convictions on licences, which he regarded as among the most effective portions of the Act of 1872. Under the 5th, 6th, and 35th sections of that Act, convictions for allowing drinking in or near a house licensed only for the sale of liquor to be drunk off the premises, and for refusing admission to a constable, were to be recorded on the licence unconditionally; and, under the 13th, 14th, 16th, and 17th sections, convictions for permitting drunkenness or gaming, for harbouring prostitutes, or for brib-

ing or improperly entertaining a constable, were to be recorded on the licence "unless the convicting Justices otherwise direct." After three convictions recorded on the licence within five years, certain serious consequences would follow, under Sections 30, 31, and 32, in disqualifying the persons convicted from holding licences, and in temporarily disqualifying the licensed premises from being used for the sale of spirituous liquors. But by the present Bill it was proposed that a conviction should only be recorded on the licence if the Court should declare that it was to be so recorded; and if that declaration were made and the conviction was appealed from, power was to be given to the Court of Appeal to cancel the order for recording the conviction, even though the conviction itself were upheld. But there was to be no power, on the other hand, for the Court of Appeal to order the conviction to be recorded on the licence when no such order had been given by the convicting magistrates. The hon. Baronet the Under Secretary of State for the Home Department had that evening defended the proposed change, on the ground that, as the law now stood, the magistrates might frequently fail to advert to the fact that the conviction would be recorded, without any direction being given by them for that purpose. But that was surely to impute great carelessness to the magistrates and their clerks, and great dulness to the publican, who would, in fact, be sure to apply to the magistrates for an order that the conviction should not be recorded, if he thought he had any chance of succeeding in his application. On the other hand, the necessity of maintaining the present stringency of the law was shown by some very obvious considerations. It should be remembered that for the various offences now effectively punished by records of convictions leading to forfeiture of licence, the only other penalties were mere fines; that offences of the kind might be committed again and again without a conviction, because in most cases, all persons present—for instance, the landlord who permitted drunkenness or gambling, and his customers who indulged in those practices, liked the offence, and did not like that it should be punished; and that it might therefore pay very well to risk, for the sake of profitable

business, convictions which, if the law were altered as proposed, would, unless the person convicted were very unlucky, lead after all only to fines. The intended alteration was, in fact, altogether opposed, both to the general principles that should guide the framing of penal laws, and to the principle adopted by the right hon. Gentleman the Secretary of State for the Home Department, in framing other portions of that very Bill. As to the hours of closing, the discretion given to Justices by the 24th section of the Act of 1872 was to be taken away. He (Sir Francis Goldsmid) had some doubt whether that was advisable, and whether, considering the difficulty of fixing by Act of Parliament the most convenient closing hours for every part of the country, it was not better to leave some discretion on that head in the hands of justices. But whether that were so or not, it was at least clear that the new discretion proposed to be given to the magistrates as to recording convictions, was one much more difficult to exercise than the discretion as to hours of closing proposed to be taken away. The discretion as to closing hours applied to the district generally, not to individuals, and might therefore without difficulty be exercised by a fairly sensible body of magistrates. But, how was it possible that magistrates should be impartial as to making a declaration that a conviction was to be recorded? In the first place, a magistrate could not vote for such a declaration without denying himself the luxury of indulging, at the public expense, in leniency to a neighbour who would be represented as having committed a mere venal act of misconduct. In the second place, he could not vote for such a declaration without probably damaging the property of a brewer, perhaps a sociable and agreeable gentleman whom the other magistrates liked, with whom they went shooting and hunting, and who sat with them on the bench, except while that class of business was being transacted. All these things would give the offending publican every chance of escaping a direction that his conviction should be recorded. If, nevertheless, such a direction were given, he would have the further chance of getting the direction set aside on appeal. With all these things in his favour, a man who lost his licence by convictions recorded

under the proposed law might well think, not that the loss was the necessary consequence of his own persevering misconduct, but that, in addition to the misconduct, it was to be attributed to a rare want of good fortune. Such uncertainty of punishment, as all who had thought on the subject would tell them, rendered the penal law well nigh useless for any deterrent or preventive purpose. The right hon. Gentleman the Secretary of State for the Home Department suggested, indeed, that to make the law less stringent would bring more respectable persons into the trade. He (Sir Francis Goldsmid) was of a precisely contrary opinion. It would be admitted that the respectable person was one who determined to keep the law, and that the person not worthy of respect was he who cared not about observing the law so long as he could make a profit. He contended that nothing could be more discouraging to a man of the former class than to know that he might have to compete with one systematically exposing himself to the risks of fines in order to get an illicit but profitable business. The right course, therefore, was to adhere to the existing provisions, under which there was a reasonable certainty that a man perseveringly committing offences would be unable to remain in the trade. The right hon. Gentleman the Secretary of State had a few days ago announced that he and the Government saw their way to a measure for improving the dwellings of the working classes in large towns, and he remarked that to provide better dwellings was the most effective mode of diminishing the temptation to drunkenness. In that view he (Sir Francis Goldsmid) quite agreed. But if there was a hope of diminishing the temptation to drunkenness on the one hand, he could perceive in that no reason why they should at once increase that temptation in another direction; and he was convinced that they would increase it, if they relaxed the stringency of the existing law, as was proposed by the Bill. He wished, before concluding, to call attention to a letter published almost immediately after the recent General Election, which appeared to him to throw considerable light, not on the reasons why this and similar changes were really proposed, but why the persons specially interested—who called themselves the trade—believed

them to be proposed. The author of the letter he referred to was Mr. C. Earle, who occupied no less distinguished a position than that of chairman of the Licensed Victuallers Provincial Defence League. The whole production, which appeared in the eleventh column of *The Times* of the 20th February, would well repay perusal; but he (Sir Francis Goldsmid) would only venture on a short extract. After demanding various changes of the law, and among others, of the provisions as to the recording of convictions, Mr. Earle proceeded as follows—

“Mr. Bruce was appealed to last Session, and refused to interfere with the working of the Act under the plea of not having had sufficient time to see how it worked. Therefore, the Licensed Victuallers of the United Kingdom met at Birmingham, formed the National Licensed Victuallers' Defence League, and passed resolutions to the effect that for a time they would sink their political opinions, and support no candidate at the next General Election who would not pledge himself to vote for a modification of the clauses complained of by the trade. Now, with respect to Conservative reaction, I believe the Conservatives could see a little further than the Liberals, and promised to see, at least, justice done to the trade should they be elected; hence the Tory majority in the recent elections.”

Hon. Members would remark that Mr. Earle stated that “the Conservatives had promised to see at least justice done to the trade, should they be elected.” This called to mind the renowned servant, who being asked, on leaving with his master a friend's house, whether he had packed up his master's clothes, replied “At least.” When the letter writer asked for “at least justice” to the trade, he of course meant more than justice, and to this he (Sir Francis Goldsmid) would not object, were it not for the fact that more than justice to the trade meant less than justice to the public. He of course did not intend to imply that the Secretary of State would propose any change as to which he had not persuaded himself that it was for the advantage of the country. Yet it was disagreeable to find that the things proposed were not very unlike those which were demanded by the trade as an actual payment for value received in the shape of electioneering support. He (Sir Francis Goldsmid) would say no more, except to express his confident hope that the Government would, before the Bill should reach its next stage,

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seriously consider whether the provisions for recording convictions were not of the essence of the Act of 1872, and whether it was possible, consistently with the public interest, to deprive those provisions of all vigour and efficiency, as was proposed by the present Bill.

Mr. FORSYTH begged to remind hon. Members that the Motion before the House was the second reading of the Bill. The discussion which had been going on during the greater part of the evening was, not whether the Bill should be read a second time, but about the merits or demerits of particular clauses in the Bill. What had such considerations to do with the second reading? If they agreed to the Motion, the discussion of the clauses and all the details would come on in due course, when they got into Committee. The Amendment moved by the hon. Member opposite (Mr. Melly) was open to the same objection. It did not attack the principle of the Bill; it did not ask the House to reject it, but called upon the House to express an abstract opinion upon a question as to hours of opening as between two classes of persons engaged in the trade. With respect to hours of opening, he had taken a great deal of pains to ascertain the views of the trade, and so far as he could gather they were almost unanimously in favour of closing at 12 o'clock in the metropolis. They did not ask for the extra half-hour, and if it was granted, it would be in deference to the wants of the public. There was in some districts of the metropolis, in the neighbourhood of theatres, of markets, and of businesses which had to be carried on during the night—there was, he believed, a desire for later hours; but that did not affect the trade at large, who did not want longer hours, and were altogether opposed to exemptions and to favouritism of one man over another. With regard to the 2nd clause of the section, he could not help thinking that the Home Secretary had drawn the line too low. He could not help thinking that in the case of rural and small provincial towns it would not be a boon to have the hours of closing at night changed from 11 to 11.30. There was an old proverb which said it was the last straw which broke the camel's back, and he believed that the last half-hour was that which

was most objectionable. If he felt strongly with regard to towns of upwards of 10,000 population, he felt still more strongly with regard to towns below that number. To extend the hour would be nothing but an injury to the community. He should reserve his opinion on the clauses of the Bill until they were under consideration, but in the meantime he would say that in the borough of Marylebone they did not wish the hours to be extended, but were very desirous that they should be uniform.

Mr. RATHBONE said, he shared in the common surprise that one, generally so wise and so prudent as the Home Secretary, could be brought to consent to some of the provisions of the present Bill. Though there had been a great outcry against the Act of 1872, the canvass of many hon. Members had shown them that the outcry was caused far more by what had been attempted than against the Act as actually passed. The present Bill would be found anything but a benefit to the respectable licensed victuallers; for that very large party in the country, described by the Home Secretary as looking for improvement from measures regulating the monopoly in the trade of drink, were content to wait in patience to see the effect of the present Act; and thus the fears of the licensed victuallers were, for the present at least, practically kept alive only by the action of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), and his Friends. But the attempt thus prematurely made to disturb the recent legislation, to use the words of the Home Secretary himself—

“Shows that the public-houses, and all houses where intoxicating liquors have been sold, have been fewer in number than in 1869; that they have been much better conducted: that, in consequence, the streets have undoubtedly been much more quiet and orderly; that there have been much fewer publicans convicted; and that there have been still fewer licences forfeited for the houses being badly conducted.”—[3 *Hansard*, ccxviii. 1229.]

To alter that legislation by increasing facilities for drinking and diminishing the precautions against abuse, would most assuredly tend to unite all the great religious bodies of the country and the advocates for regulating the monopoly against the proposals for monopoly with ineffectual regulation. But if the question was to be thus re-opened, it surely was of the greatest importance that there

should be no inaccurate information laid before the House and the country upon the subject. Now, hon. Members would remember that the right hon. Gentleman, in introducing the Bill, stated that an experiment called free trade—but, more correctly, open licensing—was tried to a great extent in Liverpool, and that the result was that drunkenness increased to an enormous extent; that a change was made in the regulations; that a very much smaller number of licences were granted; and that since the change there had been less drunkenness in the town. Now, he could not allow such an incorrect statement as that to go forth to the public with the high authority which must attach to a statement made by the right hon. Gentleman in his place in Parliament. Now, what were the facts? The experiment was tried for a short time in Liverpool; but the result was not that drunkenness increased to an enormous extent. A change was made in the regulations. A very much smaller number of licences were granted; but he regretted to say that it was the very reverse of the truth that there had been less drunkenness in the town since the change. He would state that fact on the authority of one of the very magistrates who took a leading part against the system of open or free licensing. He wrote—

“In the first place, the magistrates who introduced the system of free licensing—that is, of giving every respectable applicant who had suitably constructed premises a licence—never recoiled from their own experiment. The system was abandoned at a licensing session, when the composition of the Bench had, by the retirement of some magistrates and the addition of others, been changed from what it had been when the system was adopted. None of the magistrates who had favoured open licensing ever gave in their adherence to a return to the restrictive system. The free or open licensing system was adopted at the licensing session held in the autumn of 1866. The number of apprehensions for drunkenness during the official police year which closed in the autumn of 1862, was 12,362; and for the year 1866, 12,494; so that, allowing for the increase of population in four years, so far from drunkenness having increased to an enormous extent, there was in proportion to population less drunkenness during the last year of the system of open licensing than there was in the year which preceded the introduction of that system.”

The figures in that letter were supplied by the police to a committee of magistrates who were appointed to report on the state of crime in the borough, and

were included in their report. But now, as to the remaining part of the right hon. Gentleman's assertion. He said, the restrictive system of issuing licences having been returned to at the licensing session of 1866, and Sir Henry Selwin-Ibbetson's Beer-house Act of 1869 having brought the issue of beer-house licences under magisterial control, there had been a steady decrease in the number of drinking houses; and the number of public-houses and beer-houses, which in 1866 amounted to 2,806, was now only 2,313. The steady decrease in the number of drinking-houses had been accompanied by an equally steady increase in the number of apprehensions for drunkenness, which for the last year of free licensing (1866) was 12,494, while for the police year ending in autumn 1871, after five years of restrictive policy, it was 22,947. He would repeat the result concisely in figures. In the last year of restrictive licensing, before open licensing was tried, the convictions for drunkenness in Liverpool were 1 in 36 of the population; in 1866, the last year of the open licensing, instead of drunkenness having increased to an enormous extent, the convictions had fallen to 1 in 37 of the population; in 1871, after five years of restrictive licensing and a diminished number of licensed houses, instead of there being less drunkenness in the town since the change, the convictions had risen to 1 in 21 of the population; in other words, they were 50 per cent more in proportion to the population than they had been during the last year of the experiment of free trade. Instead of there having been much less drunkenness in the town since the restrictive system was returned to, drunkenness nearly doubled in the five years that followed the return to the restrictive policy. This might, to a great extent, be explained by the rise in wages, which, though small compared with the rise that had since taken place, had even in 1871 begun to be felt; but no such explanation would apply to the decrease of the numbers of convictions in proportion to population during the period of free licensing. It was not surprising that with these facts before him the writer—who, as he had said, was one of the magistrates most active in opposing this system of open licensing—had now joined the school of licensing reformers at whose head stood one of the most

sagacious Colleagues of the Home Secretary, the Chairman of his own Court of Quarter Sessions—he meant Lord Derby. He was convinced that the Bill before the House, if it passed in its present shape, would add very materially to the number of those who advocated that system in preference to one which was neither one thing nor the other, and by which the vested interests in drunkenness alone profited. But that was really not all. The system of free trade was not only tried in the town of Liverpool. It was also tried by the Conservative bench of magistrates in the neighbouring district of Preston and Much Woolton, which contained not only a large rural, but also a large town population, many of them being of a very rough character. The magistrates adopted that system 10 years ago, but not being Radical town magistrates, fond of change, and ready to upset any legislation a year or two after it was passed, but good honest, steady country gentlemen, they adhered to their experiment until they had a fair chance of seeing what the results were. They adhered to it still, and it was entirely unquestioned by the bench of magistrates who had carried it out. He would read an extract from the evidence of Captain Fowler, the head of the police in that district, who, being asked by one of the magistrates what had been the result of that system, replied that—

“There had been a marked improvement in the class of landlords, and consequently there had been less convictions since the magistrates adopted the principle of granting licences in Woolton, Prescott, &c., to all respectable men with suitable houses.”

The district contained large numbers of navvies and Irish labourers, and one of the magistrates said it was really surprising how orderly they were. The policy pursued was unquestioned on the bench; and when he mentioned the names of Mr. Neilson and Mr. Gibbon as two of those who were thoroughly convinced as to the wisdom of the policy, the Home Secretary knew that they were two of the oldest, the most influential, and the wisest of the Conservative magistrates of the county. Now, it would be absurd to pretend that experience so limited as this, settled the question as between restriction or open trade; but he did think it important, as the question had been re-opened, that the

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real facts of the case should be before the public, and he boldly challenged any one to show that the facts were different from what he had stated, or that they bore out the assertion of the right hon. Gentleman as to the results of the experiment on free or open trade in Liverpool. What he did say unhesitatingly was, that the worst system of all was one that gave them the evils of monopoly without those precautions which monopoly was intended to secure for them; and he hoped he might ask the attention of the House for a very few moments to testimony the weight of which he was sure the right hon. Gentleman would be the last to question, that such was the tendency of some of the provisions of the present Bill. [The hon. Member then read a letter from the stipendiary magistrate of Liverpool; a resolution passed at a meeting of the Liverpool magistrates held to consider the present Bill, and an extract from the Report of Major Greig, the chief constable of Liverpool, to the magistrates in 1873, to show that the present system of minimum penalties and endorsing licences was most salutary and ought not to be altered, and that it was not thought desirable to alter the hours of opening and closing public-houses on week days, as settled by the magistrates, from 7 A.M. to 11 P.M. He then read a letter from a Liverpool licensed victualler, the owner of several public-houses in different parts of the town, to show that the publicans of Liverpool were well content with the hours of opening and closing fixed by the Act of 1872. Having read a letter from a great engineering firm in Liverpool, showing the advantage which had occurred to the 6,000 men employed in that and similar firms from the closing of the public-houses until 7, instead of being opened at 6 A.M., the hon. Member went on to say]:—There was another question which the Bill dealt with, and that was the endorsement of licences. The Act as it now stood gave perfect discretion to the magistrates as to whether they should endorse the convictions on the licences or not. It merely said that unless the magistrates should otherwise direct, the conviction should be endorsed on the licence. It was perfectly notorious that it was a very unpleasant task for a magistrate, who might, in addition, be a town councillor and dependent on

popular support, to direct that a penalty should be endorsed on the licence, and therefore the object of the provision proposed originally by the hon. Member for West Kent was to strengthen the hands of the magistrates when they felt that the conviction ought to be endorsed, but shrunk from the odium of directing such an endorsement to be made. The head constable of one of the midland counties strongly confirmed the evidence of the stipendiary magistrate of Liverpool as to the importance of that provision. He wrote—

“The Bill takes away from justices the disagreeable duty of making invidious distinction in hours, and at the same time restores to them an option equally invidious as to the mitigation of penalties. As a matter of fact, not one conviction in a thousand occurs when the publican has not earned within a week, by breaking the law, far more than the fine. He is always in a position to employ counsel; he has always sinned with his eyes open; and I cannot therefore see that a minimum fine of 20s. is excessive. The abolition of this minimum will be found to bring back some very anomalous scenes. The element of uncertain and singular action is again re-introduced in making the endorsement of licences the exception rather than the rule. In no other class of offence I think is it optional with the judge to declare whether or not it shall be brought in judgment against the offender in case of his again offending. If a man, after one conviction, resolve to sin no more, the record on the back of his licence can never do him any harm, and I am quite sure that the dread of its possible future consequence has a wholesome deterrent effect on publicans. There should, I think, be a uniform and unvarying record of convictions, and they should be carried forward against subsequent occupiers of premises; otherwise an unscrupulous landlord has no inducement to look for a respectable tenant. He simply lets his house from month to month, and as soon as one tenant is convicted gets a transfer of the licence. A transfer is easily got, and most difficult for the police to resist. Little by little, we have managed by repeated convictions to get rid of some of the lowest houses, but if the endorsement is to be made the exception and not the rule, we shall practically lose this power.”

Now, had that provision inflicted any hardship? The right hon. Gentleman stated distinctly that the number of convictions had fallen off largely, and that under the existing law the number of forfeitures of public-houses had actually fallen to 1-10th of their former amount, and of beer-houses to 1-100th of their former amount. What better testimony could they have of the admirable working of the law, if the object of the law were, as he took it to be, not the punishment of offenders, but the prevention of offences?

The right hon. Gentleman said there was a growing feeling among respectable persons that they would not enter a trade under such stringent regulations. What evidence could he show of that? Was it in the largely increased value of public-house property? Did that show that there was any disinclination to enter the business? No; it was not the respectable man who would object to enter a trade because it had been made more respectable, as the Home Secretary admitted that it had been. It was the very disreputable man, who wanted to do a drunken trade, that the present stringent regulations would prevent from entering it. He did regret most deeply this proposal to unsettle legislation so recent, the effect of which, so far as it had gone, was admitted on all hands to have been beneficial. The experiment of shorter hours and more stringent police regulations had not had a fair trial. No one supposed that closing the public-houses earlier and opening them later would reform drunken people. What was contended was that the sitting late in drinking houses got people into drunken ways, and that shorter hours would therefore "gradually" increase temperate habits among the people. No one in his senses expected to influence suddenly, by any changes in the law, deep rooted habits. Now, sufficient time had not elapsed to enable the general community to judge whether the shortened hours were producing good results. No one could say what the consumption of excise liquors might have been with the high wages had not the hours been reduced. Now, he hoped that the right hon. Gentleman, convinced by the overwhelming testimony which had been given in that House, and received by him from magistrates, from the police, from the clergy, and from employers of labour, would consent to fix for the different districts the hours which had been found by the magistrates to be the most suitable for them; and that he would retain those precautions against disorder and excess which the magistrates and the police were so anxious to maintain, and under which, in the words of the right hon. Gentleman himself—

"Public-houses, and all houses where intoxicating liquors have been sold . . . have been much better conducted; that, in consequence, the streets have undoubtedly been much more quiet and orderly; that there have been much

fewer publicans convicted; and that there have been still fewer licences forfeited for the houses being badly conducted."—[*Ibid.*]

MR. RUSSELL GURNEY said, he must confess that if the Legislature had to choose a particular time for amending the law, the earlier in the history of the present Parliament the better, for there could be nothing more undesirable than to legislate upon this subject late in the history of a Parliament, especially as they hoped their present legislation would be final. He sympathized so thoroughly in the object which the Home Secretary had in view, and in the statements and arguments upon which he grounded this Bill, that he could not support the present Amendment. At the same time, he had come to the conclusion that it was undesirable to extend, the time of keeping open public-houses in the country districts. The evidence showed that the restriction of hours had worked well in the country, and there was reason to believe that the slightest extension of time in the country would have a bad effect. But he could not agree with hon. Gentlemen opposite as to the metropolis. He had communicated with some of the most intelligent magistrates in the metropolis, and he had been assured by them that it was absolutely necessary for the convenience of the public, that there should be some extension of the time during which the public-houses in the metropolis were now allowed to remain open. He, however, felt so strongly against the extension of time in the country that if he were called upon to take the Bill as it stood, and if he were called upon to say "Aye" or "No" upon it, he should be compelled to vote "No." But as the House had been told by the hon. Baronet the Under Secretary of State for the Home Department that the Government were willing to take the House into counsel on the Bill, the question of hours might be regarded as no longer a vital question. What should be the hours in the country was to be left to the House to decide, and it would be more convenient to consider them in Committee upon the clause. The question to be put from the Chair would be, "That the words proposed to be left out stand part of the Question," and there was so much good in the Bill and so many evils to be corrected, that he should not feel the least difficulty in voting for the ~~amending~~, although

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he should join heartily in Committee in amending the provision which extended the hours in the country.

SIR WILLIAM HARCOURT said, the great difficulty in which the House found itself was to know what the vital principle of the Bill was. He ventured to say that, out-of-doors, the question of hours was regarded as the vital principle. He knew not what else could be so regarded. His right hon. and learned Friend the Member for Southampton (Mr. Russell Gurney) said, that so far as the hours for the country were regarded as the vital principle of the Bill, with respect to any intended alteration of them he would vote "No." But he (Sir William Harcourt) would say that the question of the hours for the country was considerably more considerable than could be the question of the hours for any single city, even if that city were London. Now, he had great respect for the opinion of his right hon. and learned Friend, especially on all matters relating to the metropolis; but there was another authority on matters relating to the metropolis for whose opinion also he had much respect—he meant the hon. Member for Westminster (Mr. W. H. Smith). That hon. Gentleman on a warm afternoon in 1872 took part in a hot discussion on the subject of the hours for the metropolis, and this was what he said—

"There could be no doubt the great mass of the people of this metropolis wished that the time of closing should be 12 o'clock. Even licensed victuallers themselves looked upon that hour with favour, because they were thus relieved from the very heavy pressure of business entailed upon them, and an end put to a competition which must of necessity entail upon them great labour, anxiety, and hardship."—[3 *Hansard*, cxxii. 1988.]

If it had not been for the advice of his hon. Friend the Member for Westminster the hour of 12 might not have been adopted. One thing characterized the Act of 1872 which he had never known with respect to any other important measure. The responsible Leader of the Opposition offered no opinion on any part of the Bill, and on all those questions affecting great and harassed interests, not a single observation fell from the present Premier, nor any of the hon. and right hon. Gentlemen who then sat around him. It was not, however, because they were unable to enlighten the House, for there were among

them those quite capable of stating their views. He did not recollect that the present Home Secretary said anything, and there was only one Member of the present Government who did give very useful and influential advice, and that was his hon. Friend the Under Secretary of State for the Home Department. In point of fact, to him belonged really the honours of that Bill, the advantages of which the Liberal party had reaped. *Hos ego versiculos feci tulit alter honores.* But his hon. Friend now told them that the hours were nothing, though there was one thing which was vital in this Bill, and that was that the discretion must be taken away from the magistrates. He (Sir William Harcourt) could not help recollecting the miserable minority in which he stood when he protested against leaving the discretion to the magistrates, and pointed out the consequences that would flow from it, and that the originator, certainly the most influential author of that very principle of the discretion in the magistrates, was his hon. Friend the Under Secretary for the Home Department.

SIR HENRY SELWIN-IBBETSON explained that at that time he had an Amendment on the Paper fixing the hours, and he assented to the principle of discretion as introduced by the Government.

SIR WILLIAM HARCOURT said, he was aware of that fact, but the idea of discretionary powers originated in "another place." The first suggestion came from a very eminent person, the Marquess of Salisbury. He moved an Amendment to this effect—"Such hours not being earlier than 10 o'clock at night, or later than six o'clock on the following morning, as the licensing justices shall appoint." The noble Marquess said, and he (Sir William Harcourt) perfectly agreed with him, that drinking intoxicating liquor was not in itself a sin, and that people had as much right to drink beer just as they had a right to eat mutton, so long as they did not overdo it, and he saw no objection to allow the authorities in each county to fix the hours of closing. The noble Marquess added, that he did not think it fair that because the inhabitants of Manchester wished to enforce the closing of public-houses at 10 o'clock, the population of Hertfordshire should be obliged to adopt that hour also, and that what he desired

to effect was that the law should be made local in its application on that point. When the Bill came down to the House of Commons, the first suggestion of this discretionary power—which he recollected was known in that House as the elastic theory—came from his hon. Friend the Member for Fife (Sir Robert Anstruther), and thereupon the hon. Baronet the Member for West Essex said he had a Notice on the Paper in reference to the question, but that after some consideration he believed the House would do better to adopt the suggestion of the hon. Member for Fife. But more than that. The actual Motion for leaving a discretion in the magistrates proceeded from the hon. Member for West Essex, who drew up a Proviso, to the effect that in all places where the population was over 2,500, the local authority of any licensing district should have the power to vary the hours of closing or opening, as fixed by the Bill, between the hours of 10 and 12 at night and 5 and 7 in the morning. In doing so, the hon. Baronet said it was not easy to draw a hard-and-fast line, because the circumstances of some towns varied so much from others. Such was the proposition of his hon. Friend, who now came and told them that the vital principle of the Bill was non-elasticity. He (Sir William Harcourt) protested at that time against this discretionary power, and always thought it an extremely good thing to have the hours fixed. On that occasion the noble Lord the Member for Liverpool (Viscount Sandon) agreed with him, and said the stipendiary magistrates, the ministers of religion, and the leading inhabitants all concurred in attributing the poverty and crime of that town to drinking after 11 o'clock at night. Surely, he might remind the noble Lord that he was now a Member of a Government which proposed to create all those evils against which the magistrates, the ministers of religion, and the merchants of Liverpool had protested. So much for the question of leaving the hours of closing to the discretion of the magistrates, and he had now to ask what was to become of the customers? Were the hours suggested in the Bill to be adhered to, or was the noble Lord to come forward and propose 11.30, when all the evils he had enumerated arose from the public-houses being kept open after 11 o'clock? Now, he had

Sir William Harcourt

always held the opinion that the more these matters were left to the good sense of the public themselves the better it would be. In fact, he held it would have been better to allow things to remain as they had been before 1872. [“Oh, oh!”] Well, he knew he was in a minority on that question, as he had been before; but he had never hesitated to express his opinion upon it. He had, too, always thought that the rule with respect to the endorsement of the licences was a harsh rule, and that more discretion ought to have been left to the magistrates; but when the question came on for discussion they were placed in a position of difficulty in being deprived of the guidance of the then Opposition, which led the hon. and gallant Member for West Sussex (Colonel Barttelot) to complain that the front benches were vacant, and to say there were two ways of voting. Hon. Gentlemen might vote by being present, or they might vote by their absence in a permissive sense. When the question came up for discussion, some of them who were in a minority wished to resist it, but they found discussion impossible. In fact, the strict alliance which existed between the hon. Baronet the Member for West Sussex and the then Home Secretary settled all the material questions of the Bill, and that was one of the questions they had settled. The hon. and learned Gentleman the Member for Southwark (Mr. Locke) had an Amendment on the Paper providing that that arbitrary rule should not be enforced; but who was the person who opposed him? Why, it was the hon. Baronet the Member for West Essex, now the Under Secretary for the Home Department, declaring that he thought it entirely opposed to the principle of the Bill. Here, then, was an Act passed in the late Parliament through the powerful assistance given to the then Home Secretary by the present Under Secretary, and there was not a single finger raised by hon. Gentlemen opposite to prevent its passing. The House had been placed in a very difficult and embarrassing—if not an unfair—position by the Bill, and he ventured to say that there was not sitting on the Treasury Bench a single Gentleman who could rise and say he either remonstrated against it or advised Parliament not to accept it. Yet now they came down to

the House, and said, "Here is a Bill, the vital principle of which is to take away from the magistrates that discretionary power which was originally recommended to the House of Lords by the present Secretary of State for India, and to the House of Commons by the Under Secretary for the Home Department." With regard to what had been stated to be another vital principle of the Bill, when the Government came to the question of hours, they stated that they had no opinion of their own upon it, but were ready to adopt any hours the House might determine; and to show that the time of keeping open ought to be extended, the Under Secretary furnished them with what he called evidence to show that owing to the early closing, illicit drinking had been on the increase. Well, if he understood the hon. Gentleman aright, he called a man's drinking at home, after the closing hour, the spirits which he purchased before that hour illicit drinking; but in his (Sir William Harcourt's) opinion, that was the most licit drinking, unless, indeed, Government was going to propose that a man should not drink anything in his own house. It was natural a man should do so, and he had a perfect right to do it if he pleased. Then there remained the other question—he did not know if it was also a vital part of this Bill—with respect to the distinction between beer-houses and public-houses in respect to the time of closing; and here again the hon. Baronet the Member for West Essex was a convert from the opposite side, inasmuch as on the 2nd of August, 1872, he made a strong speech in favour of those establishments being, as regarded that point, placed on the same footing as public-houses; and he would advise him to take courage now and adhere to those views. He knew that there was a vague suspicion among hon. Gentlemen opposite that there was some connection between beer-houses and the disappearance of pheasants, but those were the days when the beer-houses were independent of the magistrates; now that they were under the thumb of the bench, hon. Gentlemen ought not to mind the indulgence which had been granted to them under the Act of 1872. Upon what principle was it that the beer-houses were to be placed in a more inferior position than the houses of the licensed victuallers? Was it because

the beer-house keeper did not sell spirits? Well, his right hon. Friend had left that question also to the decision of the House, and he might find that the House might not be disposed to agree with him. He (Sir William Harcourt) did not know whether his hon. Friend the Member for Stoke (Mr. Melly) would go to a division on the question. He probably would be satisfied with the triumph he had achieved that night. For his (Sir William Harcourt's) part, after what had taken place that night—after the declaration of the Government—he did not think it would be necessary to go to a division. He always thought the Licensing Bill ought to be amended, and though he would vote with the hon. Member for Stoke if he divided the House, he would prefer going into Committee for the purpose of amending the Bill.

Mr. J. G. TALBOT said, the House had heard from hon. Gentlemen opposite, in opposition to the second reading, a great deal about the Bill being a most flagitious measure, because it would afford enormous facilities for increased drinking. But he understood from the hon. and learned Gentleman who had just spoken that, provided the House was allowed to settle the hours, he would not vote against the second reading. If the only objection to the Bill was that it would allow an additional half-hour for drinking, it did not deserve all the obloquy which had been thrown upon it by hon. Gentlemen opposite. He did himself think that it was a bad thing that an addition should be made to the hours at which public-houses should be open. He would suggest that in rural districts the beer-houses and public-houses should be closed at the same hour—10 o'clock—and then the invidious distinction of which the hon. and learned Member had such a horror would disappear. He based his suggestion on the ground that Parliament should legislate in accordance with the habits of the people. In the country people went early to bed, and if public-houses were kept open late, they became the resort of the more dangerous classes of the community. The question with regard to London was a difficult one. He had been struck, however, by what had been stated by the hon. and learned Member for Marylebone (Mr. Forsyth) in a

speech which, among other merits, had that of brevity, that, as far as he could ascertain, the licensed victuallers were quite satisfied with 12 o'clock. But the hon. Member for Southwark (Mr. Locke) a few years ago told the House that it was absolutely necessary to keep open until 1 o'clock. The Government had adopted the golden mean. He would suggest, however, that while in the centre of London, where the places of amusement and the large hotels were situated, there was considerable difficulty in closing at 12, in the outer parts of the metropolis it should be the same as in other large towns. He was the person who suggested the Amendment in the Bill of 1872 with respect to the endorsement of convictions. The proposal of the then Home Secretary was that the convictions should necessarily be endorsed; but he suggested that they should be endorsed, "unless the convicting magistrates should otherwise direct," which was the present state of the law, and that Amendment had worked well. There were, however, three points in the Bill of the Government for which they deserved credit—the first was the closing of night refreshment houses, which would be a benefit to morality; the second was providing early closing licences; and the third was allowing persons to apply for licences before the houses were built, for magistrates now found it difficult to refuse a licence to a person who had built a house and laid out money with the view of obtaining a licence: and by means of this pressure, licences were sometimes granted upon a principle of an appeal *ad misericordiam*, and not upon the merits of the case. Now, as applicants would have the power of obtaining a prospective licence upon the production of plans, no such case ought to arise. He trusted the House would assent to the second reading.

Mr. OSBORNE MORGAN (the latter part of whose speech was imperfectly heard, owing to the impatience of the House for a division) said, that whatever might be thought of the Bill, he considered the House was to be congratulated on the tone of the debate and the eminently conciliatory spirit which had been exhibited throughout, from the speech of his hon. Friend who had moved the Amendment to that of the hon. Member who had just sat down.

Mr. J. G. Talbot

For his own part, he could conceive nothing more derogatory to the character and influence of that House than that a question in which such large social and moral issues were involved should be treated in a party spirit, and he was glad to see that of all hon. Members who had risen on the Ministerial side of the House to support the Bill, not one of them had ventured to give it their unqualified assent. He would say, if he were a party man—which he was not—that he was glad the Bill had been brought in, because he was convinced that the Government would discover they had made a great mistake. But the grounds on which he should feel compelled to vote against the Bill were broader and deeper-seated than any party or temporary consideration. Of late years there had been strenuous and persistent attempts made to diminish drunkenness, and in that sense he said this Bill was a great step backwards. Before, however, going into that question, he would ask whether the right hon. Gentleman had proved the Preamble of his Bill? Was the Bill a good or a bad Bill? Was there any need for such a Bill at all under existing circumstances? He agreed with the hon. Gentleman the Under Secretary of State for the Home Department in many of his observations with respect to the machinery of the Act adopted two years ago requiring repairs and adjustments; but was that any reason for retracting our steps altogether? There had been a great deal of unfounded abuse and misrepresentation heaped on the Act of 1872, and his noble Friend Lord Aberdare, who carried that Act, had been the most unfairly abused man in the Kingdom. It ought to be remembered that all parties in the House consented to the passing of the Act, and that whatever its merits or defects, Parliament as a whole was responsible. There were two somewhat inconsistent grounds on which alteration was demanded. One was that under the Act of 1872 drunkenness had not diminished, and the second was that the Act unduly lessened the facilities for drinking. The right hon. Gentleman the Home Secretary, in the able speech in which he moved the first reading of the Bill, had frankly stated that he believed the apparent increase of drunkenness was partly due to increased care on the part of the publican, and

partly to increased vigilance on the part of the police. But that was not all. He contended that two years was not a sufficiently long time in which to test the operation of such an Act. Especially was that true when they remembered what kind of years they had been. The working men had had more money and more time to spend it in than at any former time. How they preferred to spend it might be illustrated from an anecdote he heard the other night from a Yorkshire ironmaster and large employer of labour, in the Smoking Room where many valuable bits of practical knowledge might be picked up. The ironmaster had a very large contract for a supply of iron to be delivered at Liverpool within a certain time. He called his men together and said to them—"Now, men, if you'll work five days a week instead of four, I'll raise your wages 25 per cent." The answer was—"Nay, master, that'll never do. We shall have more money than we want for drink and no time to drink it in." So long as working men had not acquired the habit of self-respect which now restrained gentlemen from habits of intemperance there must be restraint. It was not so long ago since even in that august Assembly, hon. Gentlemen were to be seen under the influence of liquor. In that respect the working men might be expected to improve also, and become a law to themselves, especially when they were removed from their squalid homes and placed in wholesome, cheerful, and healthy dwellings such as were advocated by the right hon. Gentleman the Home Secretary, when he told the House that he looked to them as one means of permanently diminishing the temptations to drunkenness. All that, however, as he had said, required time. Improved dwellings required time to build them; it required time to develop a taste in workmen to live in them; and the question was, whether in the meantime we were to stand aside and do nothing to arrest or diminish the progress of intemperance, so far as it could be done by preventive measures. We might as well refuse to do what was possible to be done to mitigate the effects of the famine in Bengal until we had introduced a complete system of irrigation. With respect to the actual operation of the Act of 1872, he had taken

the greatest care to collect the opinions of all classes in his county—magistrates, ministers of religion, farmers, and working men of all kinds—and their unanimous cry was—"Let us alone." They wanted the Act to have a fair trial, which as yet it had not had. There were two kinds of drinking which were dangerous—early drinking, and late drinking. If a man began by breakfasting on a dram, he was not likely to be either healthy or industrious. Late drinking was even more objectionable. It was in the last half-hour or hour that drink created riot and inflamed evil passions. That had been recognized in all times, and Milton had mentioned it in the lines—

" — When night

Darkens the streets, then wander forth the sons
Of Belial, flown with insolence and wine."

If ever there was a case in which that eminently Conservative principle—"Let well alone," should have been applied, it was in the case of the Act of 1872. Then as to the interest of the publicans. He had no desire to bear hardly upon them. But it must be remembered that they carried on a trade, which except when placed under certain restrictions, became a noxious trade. The very necessity for licensing their business implied a right to restrict it, for where there was nothing to restrict, there was nothing to licence. In all cases in which the interests of the public and those of the publican clashed, it was those of the public that must be paramount; and when they considered that last year £147,000,000 worth of drink was sold, they must surely think that pity was thrown away upon a trade such as this, which had put the greater portion of that large sum into its pockets. ["Divide!" "Divide!"] But it was the duty of the House to look to the general convenience of the public, and he found everywhere in the country evidence in favour of the Act of 1872. He paid periodical visits to his constituency, at which he was careful to ascertain their views on the principal questions of the day,—["Divide!"]—and he found among them but one opinion on the Act of 1872; and, in fact, wherever he went, people said to him "We all like it." The magistrates, the rate-payers, and the respectable publicans liked it; and the only ones that did not like it were a few disorderly characters,

the curse of their neighbourhood, and one or two black sheep among the publicans. [*Cries of "Divide!"*] There would be no division that night, and the debate had not lasted so long that a few speeches on the Bill could not be heard. The hon. Baronet the Under Secretary of State said it was all very well for them in Wales to wish for the early closing of public-houses, as their habits and their hours were early, but that hours were late in London, and London could not be bound by the hours that prevailed in Wales; but the public convenience there and in large towns required that public-houses should be kept open later than 12 o'clock. That argument, however, would not hold water, for it admitted of an obvious retort. They could say that it was not because London hours were late, that public-houses in Wales were to be kept open for hours after there was any occasion for it. They might say, also, that the 6th section gave publicans the right to close at 10 o'clock, together with certain advantages for doing so. He did not wish to be a prophet of evil, but he could not help predicting that that permission would be a dead letter; because, as a rule, the maximum hour was the only hour. [*"Divide!"*] The vital part of the Bill, however, was the provision that Parliament, and not the magistrates, were to fix the hours; and from whichever side of the House the proposal for giving a discretionary power to the magistrates to fix the hours of opening and closing had come, he confessed that he had looked upon it with some misgiving, as he was bound to say he did not look on country magistrates with that profound veneration which the right hon. Gentleman on the other side of the House did. He had known many decisions of magistrates which he did not like at all; but in this matter the magistrates were beyond all blame. When the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) said that the meaning of the Bill was an additional half-hour a day for drinking, he greatly understated his case, as it was really half-an-hour added at each end. No wonder the publicans were jubilant, when they had a Secretary of State who was ready to do so much to oblige them. It was hardly too much to say that the right hon. Gentleman opposite reigned by the grace of the licensed victuallers. That was one undoubted fact. Another

was that this Bill was drawn in the interest of the publicans. Now, did they not think that men generally would put these two undoubted facts together and would see in this measure the natural fruits of that unholy alliance? [*Loud cries of "Divide!" "Divide!"*] This was what might be termed the publicans' Parliament, as evidenced by the fact that more than one hon. Member on that side of the House had said to him, "I wish I could vote with you against this Bill; but I dare not." This Bill had shown that the publicans were again a power in England, and woe to the Government, woe to the party which dared to lay its little finger on them! They might disestablish Churches—they might sap the foundations of property—they might let the Army and Navy go to perdition—they might even educate pauper children—but there was one thing they must not and dare not do—they must not shut up public-houses. [The calls of the House for a Division, with other cries and interruptions, had now become so continuous that the hon. and learned Member resumed his seat.]

MR. LOCKE said, he had listened with deep attention to the hon. and learned Member for Denbighshire (Mr. Osborne Morgan), for he himself had Welsh blood in his veins, and had frequently been there, and a more drunken set of people than he had found in Wales he never knew. It was pleasing to know that the hon. and learned Gentleman could only find fault with the licensed victuallers, and admired, he (Mr. Locke) presumed, the teetotallers. Now that was a class of persons not admired by many of his countrymen. They did not unite with them, nor did they look forward to carrying out their plans; in fact, Wales would not be what she was now, if the views his hon. and learned Friend represented were carried out. He (Mr. Locke) thought that a great deal too much fuss had been made about the Bill. It appeared to him to be a very simple Bill indeed. They must all recollect that when the Act of 1872 was passed there was a great diversity of opinion with respect to it. There were many points which were decided in a hurry; but he did not think the diversity of opinion that prevailed was of a party character. He found himself opposed on that occasion to hon. Friends

Mr. Osborne Morgan

on his own side of the House, many of whom had vanished. Some of them were deeply regretted, while as to the absence of others they did not care a straw about it. He was bound to say that from the then Opposition benches he met with the support which he always deserved. The hon. and learned Member for Oxford (Sir William Harcourt) had referred to him, and had said that he made a great struggle with regard to the magistrates being compelled to place upon the licence the offence which a man committed. He fought against that strenuously, but it was nevertheless carried out to a certain extent, and he was delighted to find that the present Government entertained the same view as he did, and had come to a conclusion which must be extremely satisfactory to that House, and which was peculiarly so to himself. They intended to carry the matter a step further even than he could have expected. However, he hoped they would succeed in their object, for he considered it would be an excellent Amendment, as indeed he thought all the proposed alterations would be. He looked at the present Bill merely as amending the Act of 1872, and when he heard the violent speech of his hon. Friend the Member for Stoke (Mr. Melly) who commenced the debate before dinner, he was astounded at the number of dreadful things which awaited them all if the Bill were passed. The House was not tied down to the precise words of the Amendments proposed, but every reasonable person seemed to desire that the Bill should be read a second time. There was one point to which he should like to draw attention with regard to the metropolis, because he had been connected with it for a great many years. There would be great difference of opinion as to whether the hour of closing should be 11, half-past 11, or 1 o'clock. Now, many of his constituents were theatrical, and the theatres were popular and filled well. When the performances were over, the playgoers were naturally thirsty and desirous of getting something to drink. With regard to the north side of the Thames, the hours of the public-houses in the neighbourhood of the theatres were granted an extra hour, but on the Surrey side such extension was refused. Consequently, he took upon himself to go to the Home Office and represent the

facts of the case, and on the following day the privilege was granted to houses near the Surrey and other theatres, and subsequently extended to Greenwich, and the then Prime Minister made no objection to it whatever. Now, having made those efforts to get the time extended till 1 o'clock, he felt it rather hard that the time should be fixed at 12.30 for all houses. When he used to practise at the Surrey Sessions he frequently visited the Surrey Theatre on his way home, and was very grateful for the pleasure which he derived from it, and he thought that those who remained to the last ought to be able to procure needful refreshment. He considered that this system of privilege should be maintained, and did not know who were opposed to it. On the other hand, why should a publican be obliged to keep open his house till 11 o'clock at night? Why not allow him to say—"I will pay less for my licence, and you must allow me to shut up if I choose at 6 o'clock in the evening." If they wished to reduce the number of public-houses in the metropolis, let them be practically diminished by allowing the publicans to close early if they desired to do so, rather than by forcing the whole of them to keep their houses open till 11 o'clock at the earliest; and where it was absolutely necessary for the convenience of the public, publicans would keep open their houses till 1 o'clock. He did not think there would be any objection to such a proposal. At all events it was well worthy of consideration. For his own part, he regarded the Bill then before the House as well calculated to improve the Act of 1872, which much required amendment and alteration, and he hoped those alterations would be carried out in a satisfactory manner.

Mr. GREENE said, he must at once take exception to the statement of the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) that that was a publicans' Parliament. There was no foundation for any such assertion. The Conservatives did not sit on the Ministerial side of the House because the licensed victuallers' interest did not like the Act of 1872, but because the whole country, after the confiscation of property and spoliation scheme brought in by Lord Aberdare, had no longer any confidence in the Liberal Government. The rights of property were upheld by

the Conservative party, and that was one of the reasons why they received and enjoyed the confidence of the people at large. As Her Majesty's Government was about taking the House into its confidence on the most important point of the Bill, it would not be necessary for him to enter upon any discussion of its details; but he hoped hon. Gentlemen on both sides would carefully consider the proposal to deprive magistrates of discretionary power with reference to the hours of closing. That which suited one part of the country would be found an inconvenient hour for another district. Indeed, he believed it would be the most difficult thing in the world to pass a Bill as regarded hours of closing and opening upon a hard-and-fast line. There should, in his opinion, be a uniform system of regulation for the licensed houses and beer-houses, for he could not, for his part, see why any difference should be made between them. For that reason, whatever restrictions and conditions were sanctioned in the one case ought to be carried out in the other.

MR. LOWE said, it was extremely difficult, if not impossible, that the Bill should come as a whole under any one principle. It was simply a Bill to amend a previous Act, and it contained a number of provisions on some points of which everybody would probably approve, however much they might disapprove of others. It should be looked at fairly and impartially, and brought forward as it was, on the responsibility of the Government, they were called upon to give an opinion whether it was or was not worthy of a second reading at the hands of the House. He could not agree in many things which were stated by the hon. Baronet the Under Secretary of State for the Home Department in his interesting speech. The only reason the hon. Gentleman expressed for keeping houses in some districts open up to 11.30 was, that if they closed them at 11 o'clock, people would buy liquor, take it home with them, and that there would be illicit drinking. That was the first time he had ever heard that it was illicit to drink at any time in one's own house; for the fact was that there was nothing wrong in a working-man purchasing liquor and drinking it when and where he pleased, and it was an utter confusion of terms to call such drinking illicit. Another

point to which he wished to refer was the argument of the hon. Baronet with regard to keeping public-houses open until 12.30. As the law now stood, houses were obliged to close at 12 o'clock. The Home Office, however, had power by exceptional licences, to allow some houses to keep open to a later hour. The hon. Gentleman was in favour of keeping open until 12.30, because he said he had found that houses allowed to be open until 1 o'clock under exceptional licences were not frequented by play-goers—that they never went there at all, and on that ground he based his reason for keeping open until 12.30, so that they might go there. Another point seemed to him worthy of consideration. It related to the proposal to do away with the magisterial obligation to endorse each conviction on the licence. The endorsement he (Mr. Lowe) regarded as being of great value in the preservation of order and decorum, and it must be so felt by the publican himself. He, therefore, hoped the House would consider carefully before they gave their assent to the removal of that power. In the Bill he felt bound to say there were many things most worthy of consideration, and which it was very proper for the Government to bring before the House. With regard to the question of hours, resting as it did at present on local authority in separate districts, he thought it better there should be one uniform system, and he regarded that House as the best tribunal to come to a right decision as to what that system should be. Objection had been urged to the hours named in the Bill. Well, the Government had thrown the hours down on the floor of the House to be dealt with as the House liked, and it would be for the Legislature to decide. All the Government asked was for the adoption of some uniform system. It was impossible to act more fairly in the matter. The House of Commons might not be a perfect tribune, but to his mind it was best suited for the work. Another point most worthy of attention was the Government proposal for the better regulation of what were known as night-houses, which was much required, and which had heretofore been neglected. That had been the subject of great abuse. Lastly, there was this great evil, which was intended to be remedied by the Bill, that Government should pick

Mr. Greene

out certain publicans in particular localities and confer upon them lucrative privileges to the prejudice of their competitors in the trade. Speaking not only for himself, but also for his Friends he would say that that was the view which they took on this subject, and therefore he was encouraged to hope that his hon. Friend the Member for Stoke (Mr. Melly) might be induced to say that he felt he had carried all he desired—namely, the two points relating to the hours and to the beer-houses, as he understood those were points which the Government were willing to submit to the decision of the House, and he was sure the hon. Gentleman would do wisely in withdrawing his Amendment. He hoped the hon. Baronet the Under Secretary of State for the Home Department would place on the Table those documents which he had that evening read to the House.

MR. ASSHETON CROSS: It is not my intention, Sir, to take up the time of the House in referring to the various speeches which we have heard in the course of this debate. There is no one, I think, who can say that we have had a very lively discussion, except in the case of the speech of the hon. and learned Gentleman the Member for Denbighshire (Mr. O. Morgan), who, if huzzings speeches have been done away with, seems to have a very lively recollection of what they used to be. Her Majesty's Government have been accused of unsettling this question before the time came when it ought to be discussed again; but I think the very candid statement of the right hon. Gentleman who has just sat down has taken the answer to that accusation out of my mouth. It will be recollected that the Act of 1872 was passed late in the Session, and in a great hurry—indeed in such a hurry that if we trust *Hansard*, every hon. Gentleman seems to have forgotten what took place on that occasion. When I say the legislation on this point was hurried, I must say that I am not stating that for the first time, and therefore I think the right hon. Gentleman has very justly described the Bill as a Bill amending in a great number of its details an Act passed some time ago. In that view, it should be recollected that the Government are not approaching the question for the first time, they are rather in the position of a physician who is called in

to advise on a case which several other doctors have treated and have failed to cure. After all, it is but an Amendment Bill, and as I stated on the evening when I introduced it, I am quite prepared to find it canvassed by three different schools of thought. I was perfectly prepared to find any one of those particular schools fix on any particular portion of the Bill which did not coincide with their views, and drag it into prominence, forgetting all the rest of the measure that they might approve; and therefore I was not surprised that those who objected to the hours suggested in the Bill, should have pounced upon that one question and harried it, forgetting the character of the Bill, which was to amend in detail, and partly, too, in spirit, an existing Act of Parliament. Many Gentlemen have come to me and raised objections to the Bill, and the first question I have invariably asked them is—"Have you read the Bill?" The answer—I will not say always, but very often, nay, in the majority of cases—has been—"No, I have not read it, but there is in it, I understand, a clause increasing the drinking hours by half-an-hour." That notion has got abroad, and hence a number of Petitions have been got up against the Bill. People seem to have run away with the idea that that was the main object of the measure, and in that they have been most materially mistaken. Public opinion has, however, I am inclined to think, approved of the Bill, and all the remarks made upon it in the country Press, where we generally look for the expression of public opinion, take the broad and not the narrow view of the Bill, and have looked upon it in the light of a healing measure, and one calculated to place the trade and business of the licensed victuallers on an improved footing, and as a Bill, too, in the interests of the public at large. The Act of 1872 was, as I have said, passed in a hurry and late in the Session, and in the framing of it, I can detect the hands of two hon. Gentlemen opposite—I mean the hon. Member for Liverpool (Mr. Rathbone) and Stoke (Mr. Melly)—and therefore I am not surprised, knowing the views of those hon. Gentlemen, at the opposition which they have offered to this measure, which proposes to amend their handy work. It seems to me that at the time when that

Act was passed, it was present in the mind of the late Home Secretary that the Act would surround this particular trade with pains, penalties, and police regulations, and treat those who were engaged in it in the light of criminals. No doubt, with the best intention, these hon. Gentlemen thought that the best way to stay intemperance was by putting a heavy hand on the traders in drink; but I am bound to say it was the wrong view to take. I think those traders should be treated more generously, and more like other traders, and that we should endeavour to introduce into that trade—which we cannot stop and which we must regulate—the best class of men you can, men whom you can trust to carry on the trade properly. With that view, we have proposed the clause to sweep away the adulteration clauses, which were never enforced, and were still more offensive to the trade. At the time that Act was passing through Committee there was no Adulteration Act in force, and therefore it was quite proper that those clauses should have been put into the Bill, but inasmuch as the very same day it received the Royal Assent, the Adulteration Act also received the Royal Assent, there is no reason why they should be retained, as if the licensed victuallers were to be treated differently from the other tradesmen in this country. For the purpose of carrying out those adulteration clauses, there was placed in the Bill another clause, which inflicted on the trade a greater hardship than any other. There is no doubt it was introduced with the best intentions, but it has had the worst possible effect, for it gave instructions to the police, just as Committees of this House are instructed in the Order of Reference, to enter public-houses and search every room, even the sleeping rooms, in search of any adulterated liquors, or of any articles which might be used for the purpose of adulteration, which might be concealed there. I believe that the powers conferred by that clause have been very injudiciously worked, and that the police have acted under it in a way in which there was no necessity for them to do. However, as the Government were not prepared to carry out the adulteration clauses by sweeping them away, they swept that away also, restoring to the police the necessary pro-

vision for maintaining order. Then, in order to place the publicans on the same footing with other traders, we thought it would be wise to do away with what was called the minimum penalty, and gave the justices a discretionary power to order the licence to be endorsed, instead of compelling them to do so, thereby placing them on the same footing with the other Judges, by giving them the power to use their own discretion as to what ought to be the extent of the penalty they might think proper to inflict. We also propose that instead of police supervision following conviction as a matter of course, it shall be a part of the sentence of the Judge whether such supervision shall follow or not, and we have taken care that the Judges who sit to try the matter shall have full information, because we have introduced words into the Bill which will compel the magistrates' clerk to place the record of previous convictions before them. With regard to the matter in the Metropolitan district, I have seen the record of convictions, and I find that in some instances one or two convictions have been recorded for very small offences, where the minimum penalty is one pound. Now, a man who is fined twice for a small offence of that kind will be in a worse position than one who has been fined £20 once for a very grave offence, and that is a thing which requires to be remedied. There are other parts of the Bill which have received unqualified approval from the House, and upon those I will not dwell, for I trust when they become law they will be found of the greatest possible use and value in maintaining order; but there is one matter which I feel bound to explain. It has hitherto been the law that persons who take their licences in London may go through the country, attending all the fairs and races; and they frequently take with them disreputable characters, and set up their booths in entire defiance of the local magistrates and the police. The Bill will compel them to go before the local magistrates before they set up their booths, and the magistrates will take care that this pest is banished from the land. The next and last question is whether the magistrates shall have power to fix the hours. I will not enter into a discussion of the question now. Great dissatisfaction exists on the subject, for it is said, at one time that

the magistrates are given to teetotal views, at another that they are influenced by the licensed victuallers, and that from the changing constitution of the bench of magistrates there is no certainty as to what their decision will be. What the people want is that certainty; and the view of the Government is this—that if the House takes upon itself to regulate this monopoly, as it must do, and to say that the houses shall close at certain hours, it should also say what those hours shall be. Much has been said about the Bill extending the hours of drinking in London, but it does precisely the reverse. In all the exempted houses, which are fixed by the Commissioner of Police, the licence is, that they may keep open doors until 12.15; but then the people who are inside are allowed to remain drinking as long as they like up to 1 o'clock. The consequence is that these houses are frequented not by people who have been at the theatres, for whom they were intended, but by disreputable characters. Therefore, the Bill will restrict the hours of drinking, so far, at least, as those houses are concerned. A great deal has been said about illicit drinking. Now, in the City of London and the metropolis generally, the police have found that after the public-houses are closed people who have bought spirits in them are in the habit of going to refreshment-houses and cigar-shops and drinking there, and often, when the police get into the back parlours of these shops, they find two or three bottles of spirits and wine on the table. In fact, it has been ascertained that owners of public-houses take places which they open as cigar-shops, and allow those who have bought spirits from them to go and drink in those cigar-shops after their houses have closed. That is a practice which is growing in London, and that I call illicit drinking, a practice which I hope the Bill will effectually stop. As to the hours, the Government have taken the best counsel they can get, and they have suggested to the House what they believe to be the best hours; but they are quite prepared to give to any Amendments on the subject the most candid consideration. I will take the opportunity before concluding, of remarking with regard to the taunt of the hon. and learned Member for the City of Oxford (Sir William Harcourt) that Her Ma-

jesty's Government when in Opposition, had not taken any sufficient part in the legislation of 1872, to remind the hon. and learned Gentleman that the strongest opposition to the measure came from himself. I have stated the views of the Government fully and frankly, and I hope the House will now read the Bill a second time, with a view of going into Committee upon it.

MR. SULLIVAN moved the adjournment of the debate.

MR. EDWARD JENKINS seconded the Motion.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Mr. Sullivan.)

MR. DISRAELI: I think, Sir, the debate has been maintained very fully, and, as I understand there is no intention to divide upon the Motion, I think it would not only be unusual, but extremely inconvenient if the hon. Member should press his Amendment. The hon. Gentleman will have many opportunities of expressing his opinions on the subject when the Bill goes into Committee.

MR. SULLIVAN: I do not move the adjournment for the purpose of obstruction—my object is *bond fide*. Not a single Irish Member has expressed his opinion on the Bill. Hon. Members should recollect that the debate has been about a Bill not before the House. We were promised by the right hon. Baronet the Chief Secretary for Ireland, that clauses should be laid before the House relating to Ireland, but we have not seen them. I therefore move the adjournment of the debate, in order that we may know exactly what is to be proposed for our country.

Question put, and *negatived*.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. W. E. FORSTER said, he wished to say a few words as to the position in which the House stood in the matter. The Bill was only an amending measure, and if the second reading were to be opposed, it must be either on the ground that the time had not arrived for further legislation on the subject, or because it was in itself radically objectionable. For his own part, he regretted that the Government had thought it their

duty to bring forward an amending Bill that year. But inasmuch as they had done so, it was rather a serious thing for the House to say in a matter of such administrative importance, that it would refuse to consider the Bill in Committee. When he came to look at the clauses he must say that if he had no alternative, in the event of the Bill being read a second time, but to accept them, he should at once vote against the Bill. That, however, was not the position in which the House was placed; there would be an opportunity of considering the clauses in Committee, and he thought that what most concerned the public after all was the extension of the hours; and it had been proved by the debate of that night, and by the general feeling of the country, that the proposed change was not called for, and would do great injury. He believed, too, that the sense of both sides of the House was that the Government had better withdraw that portion of their Bill. ["No, no!"] Why the Government almost acknowledged that they took that view, for that was plainly the understood meaning of their proposing to take the public into council with them. If the House could come to some general conclusion on the subject of hours now, well and good. They could not do so in 1872, and that was the cause of the discretionary power being given to the magistrates, but he did not see how the ground could be taken of refusing to consider this discretionary power in Committee. There were other provisions in the Bill which raised questions in reference to the operation of the Act of 1872 that might perhaps be open to re-consideration, and with that view, hon. Members who had supported the Motion to adjourn the debate had better leave the further discussion of the Bill for the Committee. He would also recommend his hon. Friend the Member for Stoke (Mr. Melly) to withdraw his Amendment, and allow the Bill to be read a second time. He hoped the Government would not persist in the portion of their Bill which related to the hours. He wished to observe, however, that it would not be fair to the House, if the Government did persist in that portion of their Bill, for them not to produce to the House the Correspondence on which they based their recommendation.

Mr. W. E. Forster

Mr. MELLY said, that his object in moving the Amendment was to raise a discussion, and in that discussion they had heard from all parts of the House a condemnation of the proposal to extend the hours. He candidly admitted that the Government had quite met his views on that point in engaging to hold the question of opening and closing hours as an open question, upon which they would take the House into counsel, and with the leave of the House, he should therefore withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed*.

Motion made, and Question proposed, "That this House will, upon Monday next, resolve itself into the said Committee."

SIR WILFRID LAWSON objected that that was not time enough for the country to consider a Bill of so important a character.

Mr. DISRAELI said, that it was a whole week, and considering the rapid means of communication which now existed, that was equivalent to double the period 35 years ago.

Mr. LOWE said, he did not wish to put any pressure on the Government, but he thought it would be very desirable if a longer time was given before the Bill was considered in Committee. He would also urge the Government to have the Correspondence with magistrates and others laid before the House.

Mr. SULLIVAN protested that Ireland was being taken by surprise, as the Bill was intended, by the introduction of certain clauses which had not as yet been laid on the Table, to apply to Ireland, and no Irish Member had yet spoken in the debate.

Mr. ASSHETON CROSS said, that the Irish clauses would be introduced in a separate Bill.

Mr. GOSCHEN also hoped that the whole of the Correspondence and evidence to which the hon. Baronet the Under Secretary of State for the Home Department had referred as the grounds upon which the Government had introduced the Bill, would be laid upon the Table before the House was asked to go into Committee.

SIR HENRY SELWIN-IBBETSON said, that what the right hon. Gentleman had referred to had been unduly

magnified, and he did not think them so important as had been assumed. He had only quoted from a few letters, which, if required, he would put into the printer's hands at once, and they might be laid upon the Table to-morrow.

MR. W. E. FORSTER reminded the hon. Baronet that he justified his proposal with regard to the hours by the letters to which he alluded. The House ought to be enabled to judge of the evidence relied upon, and what was produced should not be confined to three or four letters.

MR. DISRAELI said, what was promised was, he understood, that all the letters should be printed.

In reply to Mr. O'REILLY,

MR. ASSHETON CROSS said, that none of the clauses in that Bill would apply to Ireland, unless a separate Bill was passed for Ireland.

MR. DODSON urged that all the answers received by the Government to the Circular issued ought to be produced.

MR. WHITWELL concurred in that view.

MR. FAWCETT said, he never knew an important Bill go into Committee after such a short interval as a week. It was nothing like sufficient time.

MR. MELLY said, that the first clause which would have to be considered in Committee was that of dealing with the question of hours. The magistrates in boroughs and counties in a great number of instances had not yet met to consider the Bill, and it was therefore hardly fair to fix the Committee for Monday.

MR. RATHBONE moved, as an Amendment, "That the House go into Committee on the Bill on Thursday, the 4th of June."

Amendment proposed, to leave out the words "Monday next," in order to insert the words "Thursday the fourth day of June next,"—(*Mr. Rathbone*,)—instead thereof.

Question proposed, "That the words 'Monday next' stand part of the Question."

MR. W. E. FORSTER again rose, and earnestly urged upon the Government to give a longer time and more information. Hon. Members on his side of the House had made a great concession in accepting the second reading

without a division, and the course proposed appeared to him to be riding rather rough-shod over the House.

MR. LAIRD hoped the Government would see their way to a postponement, otherwise many of the magistrates would not have time to consider the question.

MR. DISRAELI said, his recollection of the time given in previous cases of important measures was very different from that of the hon. Member for Hackney (*Mr. Fawcett*). It must be recollected that a fortnight had elapsed since the introduction of the Bill, and, generally speaking, a week was allowed to elapse between the second reading and Committee, and he did not at that moment recollect any instance to the contrary. However, in the conduct of the Business of the House, it would be disagreeable to press anything opposed by a considerable minority, for a considerable minority ought to be considered, and therefore with regard to the present point, perhaps the best thing would be for the House to defer the matter till to-morrow, when he would be prepared to state the course the Government would take.

Amendment and Motion, by leave, *withdrawn*.

Bill committed for To-morrow.

IMPRISONMENT OF MR. WHALLEY FOR CONTEMPT OF COURT.

RESOLUTION.

MR. WHALLEY, who had given Notice of his intention to move, "That the Petition presented to this House on the 24th April, from the electors of Peterborough, be printed with the Votes," said, that he had given this Notice for the purpose of placing himself in Order with a Motion which stood for to-morrow, and which was based upon the Petition which he asked this House to order to be printed. As this would be asking the House to overrule the decision of the Petitions Committee, he had thought it right to consult his hon. Friend the Member for Walsall (*Sir Charles Forster*), who had pointed out to him the passages to which they took objection—namely, statements calling in question the proceedings of the Court of Queen's Bench, and designating especially the Lord Chief Justice in

respect of certain words and acts of his as well in his judicial as in his personal capacity; and he (Mr. Whalley) concurred with the Committee that statements of that nature should not be printed unless accompanied by proof. He was fully prepared to prove the same if he should be fortunate enough to obtain a Committee of Inquiry as to this Contempt of Court; but in the meantime wholly disclaimed any desire to give publicity to *ex parte* statements such as were contained in this Petition. Under these circumstances, he should not press his Motion; but knowing now what it was that was objected to, he would refer the matter back to his constituents, who might, if they thought fit, then present another Petition with the omission of the passages to which his attention had been called by the Chairman of the Petition Committee.

NEW WRITS.

Ordered, That every Motion for a new Writ, of which Notice has been given, pursuant to the Resolution of the 30th day of April last, be appointed for consideration before the Orders of the Day and Notices of Motions.—(*Mr. Disraeli.*)

VALUATION OF PROPERTY BILL.

On Motion of Mr. SCLATER-BOOTH, Bill to amend the Law respecting the liability and valuation of certain property for the purpose of Rates, *ordered* to be brought in by Mr. SCLATER-BOOTH and Mr. CLARE READ.

Bill presented, and read the first time. [Bill 98.]

ALKALI ACT (1863) AMENDMENT BILL.

On Motion of Mr. SCLATER-BOOTH, Bill to amend "The Alkali Act, 1863," *ordered* to be brought in by Mr. SCLATER-BOOTH and Mr. CLARE READ.

Bill presented, and read the first time. [Bill 99.]

RABBITS BILL.

On Motion of Mr. PELL, Bill to amend the Laws relating to Trespass in pursuit of Rabbits, *ordered* to be brought in by Mr. PELL, Sir WYNDHAM ANSTRUTHER, Mr. WALSH, and Mr. MONTGOMERIE.

Bill presented, and read the first time. [Bill 100.]

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, 12th May, 1874.

MINUTES.] — PUBLIC BILLS — *Committee* — Boundaries of Archdeaconries and Rural Deaneries * (28); Betting * (47). *Committee* — *Report* — Colonial Clergy * (43); Public Worship Regulation (*re-comm.*) * (30-62); Consolidated Fund (£13,000,000) *.

AFFAIRS OF THE GOLD COAST.

OBSERVATIONS.

THE EARL OF CARNARVON, on rising to call the attention of the House to the Affairs of the Gold Coast, said: My Lords, it is time, I think, that I should lay before your Lordships' House some statement, however general it may be, of the policy which Her Majesty's Government are prepared to adopt on the Gold Coast. I should have done so before had it not been necessary to make certain inquiries which could hardly before this be brought to a conclusion. But in bringing this question before your Lordships this evening, I shall refrain from entering into any of the causes of the recent war. I shall not discuss its origin. I shall not even consider the vexed question of the transfer of the Dutch Settlements—the manner in which that transfer was carried out—whether or no Holland gained or lost by the transfer, or whether the measures subsequently adopted were wise or imprudent. Neither shall I discuss the misunderstandings and bickerings between the various Governors and Administrators on the spot. I shall confine myself, as far as possible, to the present state of affairs and to our policy for the future. But I will at once state this in fairness—that whoever might have been the Colonial Minister, he must, in dealing with the Gold Coast, have found his task a dangerous and slippery one, and that whoever may hereafter be Minister, is likely to have there the same experience should a similar combination of circumstances ever arise. Now, there are two questions to be asked when entering on a consideration of this subject. First—Are we to stay on that Coast or abandon it? Secondly—If we stay, under what conditions are we to stay, and how are we to govern for the future? I could have wished, had time allowed,

Mr. Whalley

to say somewhat of the past history of that part of Africa. It abounds in romantic and picturesque details; but it is enough to remind the House that towards the end of the 15th century the Portuguese established themselves there and built that Fort of Elmina, of which travellers still speak in praise. They were succeeded by the Dutch, who went there for the purposes of the slave trade; and we, in turn, succeeded the Dutch, till, after two centuries of war and intrigue, we find ourselves the sole and undisputed masters of the Coast. Yet, in looking back at the events which have occurred on the Gold Coast, we are reminded of the saying that "History repeats itself." Over and over again we come upon a recurrence of the same events. Independently of the often-repeated changes of territory between ourselves and the Dutch, three times have we acquired land by purchase; three times have we placed the Coast under the management of commercial companies; three times have we resumed it; three times has the suggestion been entertained by our Government—in indeed, I might say by Parliament—to abandon our position on the Gold Coast, and as often has it been rejected. Nor need I say anything of the history of the Ashantee War, or of the causes which through more than one generation have led to it. Of the various tribes in the country beyond the Coast, the race who exercise the most important influence are the Ashantees; but it was not until the commencement of this century we first came into collision with that Power. During the whole of the last century their authority was growing under the direction of a succession of really astute and able kings, who, like the kings described by one of Homer's heroes, were stern men and did stern acts, and thus inch by inch consolidated their sovereignty until they became the dominant Power in the whole country. Their policy at home and abroad was marked in blood, and at the commencement of this century they seemed to hang like a thunder-cloud over our possessions. But it was only in 1807 that the first hostilities broke out. In 1817 Mr. Bowditch was sent on a mission to Coomassie, which his interesting and truthful sketch has made historical; but the mission bore little fruit, and in 1824 Sir Charles Macarthy

found or thought it necessary to engage in war. He was deserted by his Native allies, defeated, and his head was cut off, and was said, though I believe incorrectly, to have been carried to Coomassie. Two years after, that defeat was wiped out by a signal victory gained by our forces over the Ashantees. But it needed five years to secure any real results of this victory. It was then only that the Treaty of 1831 was agreed to, and Mr. Maclean assumed the post of Governor. He was the husband of the well-known but unfortunate "L. E. L.," and for a time his own fame was involved in the tragedy of her death; but he was also a man of very high administrative capacity, and exercised an unrivalled influence on the Gold Coast. My noble Friend on the cross-benches (Earl Grey) did him no more than justice in one of those interesting letters on the government of the Gold Coast which he published before the meeting of Parliament. For 17 years, with stinted means both in men and money, with everything against him except his own political genius, he governed with ability and determination, and peace was preserved all over the country. But with him passed away the period of successful and really capable government, and at last came the war of 1863, and finally the war of last year. And now, looking back to the events on the Gold Coast, and not directing the remark against any one Government, but applying it to a succession of Governments, I must say that I entertain considerable doubts as to the wisdom of the policy which has been pursued on the Gold Coast. I think it is certain that at one time at least the Ashantees showed that there was a disposition on their part to enter into friendly alliance with us; their interests and their national instincts all pointed in the same direction; and had advantage been taken of that disposition and of those circumstances, good relations might have been established and maintained. We have seen, my Lords, that in the recent war they proved themselves brave enemies, and I think our policy ought to be, if possible, to convert them into faithful allies. Before proceeding further, it is right that I should point out to your Lordships, first of all, what appear to be our main difficulties on the Gold Coast. I think these may be reduced

to two—the Native races, and the climate itself; and I am aware that no scheme that does not attempt to deal with these difficulties can be successful. First as to the races. I admit that there is little that is at present promising in that Fantee race which extends over a great part of the protected territory, and on behalf of whom we have incurred the risks and sacrifices of the late war. The experience of that war has not shown them to advantage. They had to be driven at the point of the lash, like slaves, to discharge the duties which were necessary for the protection of their country and their homes. That is not encouraging; but, my Lords, I am afraid that our policy towards them in past years has been in some manner the cause of that want of spirit on their part. We taught the people to lean so much on us that they seem to have lost all dependence on themselves, and we have demoralized the Chiefs by taking away from them the power of life and death. It appears to be even a question whether the population of the Protectorate has not diminished. On the other hand, the Fantees are not of a nomadic habit, but are inclined to settle down on their land and cultivate it—they are of the same race as the Ashantees—they are susceptible of the influences of money, and they are apt to learn. It has been stated to me by an engineer officer who had many of them under his command, that so ready were they to receive instruction that some of them learnt in a very short time to do within a single hour what before had taken them a whole day to perform. But the tribes in the interior are constantly pressing onwards towards the Coast, and some of them are said to be strong. Hitherto, the Ashantee power has stood as a barrier between the Natives on the Coast and those tribes in the interior; but now that the Ashantee power is broken down, the question arises, what will be the result from, and as regards these other tribes? We know that one of the tributary Kings has crossed the frontier with his people, and has asked and has received from Sir Garnet Wolseley the protection of this country. But it may be questioned whether the destruction of the Ashantee power would be politically desirable, inasmuch as the qualities of which the Ashantees are possessed are at least the qualities of an organized and disciplined

race, which has made some steps in the art of governing both themselves and others. It is impossible as yet to predict the result of the late campaign. It may be that the destruction of Coomassie in this case has been a real destruction, like that in Abyssinia—a total destruction of the capital and the dynasty, followed by chaos; or it may be that the overthrow of the kingdom which has so long oppressed and cowed the surrounding tribes may restore peace and trade and the possibilities of prosperity. But until we know how this is about to turn out, we hardly know the conditions on which we have to act. So much as regards the Native races. Next comes the question of climate, and it is a very serious one. No man will deny that the climate is bad—whether it is as bad as it has been stated to be is another question; but it is bad, and injurious to European health. Hence the rapid changes of Governors, of whom there have been reckoned as many as 26 since Mr. Maclean; hence the absence of anything like a fixed policy. Hence, too, the absurd schemes put forward for Fantee constitutions and self-government by some parties when my noble Friend opposite (the Earl of Kimberley) was in the Colonial Office; and hence, too, has arisen the belief, which comes out very clearly in the Blue Books laid on the Table by my noble Friend, that England was not prepared to fight in defence of her allies. But, my Lords, we have aggravated all the other evils with which we have had to deal by singling out as the seat of Government probably the most pestilential spot on the whole of the Coast. But this is not all. Successive Governments at home have made everything still more difficult by adopting the principle of starving the establishment on the Gold Coast. The persons employed there have been paid on a most illiberal scale. How can it be expected that men of capacity will go out under such circumstances? Still, my Lords, I think there are facts to show that the climate, bad as it is, is not so bad as it has been represented to be. Wherever the bush has been cleared, and Europeans have been able to ascend to higher levels, their health has improved. Nor in regard to the effects of the climate on Europeans, must we forget that they have too often been their own enemies,

by recourse to stimulants, which not only weaken the body but destroy all vigour and originality of mind. In India, we have had before now to contend against the same difficulties; but there, by prudence, by the observance of proper precautions, and the adoption of better sanitary arrangements, a great improvement in the general health of Europeans has been effected. I may mention—though I do not desire to draw much argument from it, because the season was favourable, and the lives, though exposed to hardships, were picked lives—that taking the whole number of deaths that occurred during the late campaign, including even the deaths which have followed the return of the troops, the mortality was not quite 23 per 1,000, which is about the same as the death-rate in the metropolis, and lower than the death-rate in some other English towns. My Lords, I do not mean to attach undue weight to that fact, but I think it one which I ought to mention while on the subject of climate. Now, my Lords, I come to the important question—Are we to retain our colony on the Gold Coast, or to abandon it? In considering it, two considerations present themselves. One is that of trade, the other that of obligation. I do not think we can resolve the question of retention or abandonment into one of a mere balance-sheet in the national ledger. It ought not to be settled on a mere consideration of profit and loss. There are many things which do not pay pecuniarily—honour, religion, morality, bring in no direct money return—but we do not treat these principles as of no account in the national consideration. A great nation like ours must be sometimes prepared to discharge disagreeable duties; she must consent to bear burdens which are inseparable from her greatness; but in this case the real question is—What are our obligations? They are of two kinds—written and unwritten. Our written obligations in respect of the Gold Coast are but few in number. They are only three. There is, first, the Treaty of 1831, to which I have already referred; secondly, a bond entered into with the Native Chiefs on the subject of human sacrifices and barbarous customs; and, thirdly, there was the poll tax imposed for a time during the period when my

noble Friend on the cross-benches (Earl Grey) held the seals of the Colonial Office. There is, doubtless, something in those written obligations, but I do not think there is sufficient to make it necessary for us to continue our occupation of the Gold Coast. But, my Lords, there are unwritten obligations—moral ones—and these appear to me to be very strong. First, we have taught these people, by a very long system of protection, to lean upon us. They have lost their manliness and independence of character, and if we abandoned them at this moment, the probability is, that the Ashantee Power would spread itself over the Protectorate. We should, in fact, hand them over to the tender mercies of exasperated enemies; and to abandon them at this moment would be an act of virtual cruelty and treachery which this country would not and ought not to sanction. Again, though our influence on that Coast has not been as great as we could have wished it to be, it has not been without considerable and humanizing results. It has been the means of inducing these people to abandon some of their most barbarous customs; it has mitigated and greatly softened the worst features of domestic slavery; life and property have been rendered comparatively secure. I am informed that when a murder is committed a couple of policemen will arrest the murderer even at a long distance from Cape Coast Castle, and bring him to justice without a fear of resistance; and, lastly, we have given the people a system of education, though, it is true, a very imperfect one. Without exaggeration, we have led them a certain distance along the road to civilization. But, my Lords, it is the opinion of the soundest authorities that if we were to retire from the Coast at this moment our work would be undone, the wheel of progress would run backward, and even human sacrifices would be seen at Cape Coast Castle within a year. Under all the circumstances I feel—and Her Majesty's Government feel—that we are acting in accordance with the instincts of Parliament and of the country when we come to the conclusion that, at such a moment as this especially, it is impossible for us to terminate our occupation of the Gold Coast. Having thus stated our decision on this important point, I will now explain what are

the conditions under which in future we propose to administer affairs there. I need not go into a geographical description of the country; but it is right to remind the House that at present the Gold Coast is administered in connection with three other Settlements, two of which are at a very great distance from it. The first of the three is Lagos, about 200 miles distant from the Gold Coast; but the second, Sierra Leone, is 800 miles distant; and the third, Gambia, 200 miles distant from Sierra Leone. Now, the distance of the Gold Coast from the two last of these Settlements is far too great; and, though probably this is not generally borne in mind, the politics, the trade, the social condition, the general interests, of those places differ. Now, we propose to consolidate Lagos and the Gold Coast into one Colony, and to consolidate them very much on the principle of the organization of the Straits Settlements. When I previously held the Seals of the Colonial Office, the organization of those Settlements was established, and I think it has worked in a satisfactory manner. I have never heard any complaints of it. We propose, then, to apply, with some slight modifications, the same principle to Lagos and the Gold Coast. We propose to have a Legislative and Executive Council of small numbers at the Gold Coast, but to require that it shall hold its Councils three times a year at Lagos. We have already at the Gold Coast a small squadron of three vessels, which will keep up the communications between the two places. But one of the greatest, if not the chief difficulty, lies in the choice of a Governor. He must be a man of great influence of character. We hope to choose the best man we can get; to give him large power, and to exact from him great responsibility. I believe more may be done in such a place by a strong Governor appointed on these terms than by any other system. I hope to effect a reduction in the number of officers, but to increase their salaries in cases in which we think they are underpaid. We propose that for the consolidated Settlements there shall be appointed one Colonial Secretary; one Treasurer for both, with a sub-Treasurer at Lagos, as it is for the present at all events necessary to have separate accounts; one Auditor; one Chief Justice; a Queen's Advocate; one commanding Officer of Armed Police,

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which we propose shall be enlisted for the united Colony; one Colonial Engineer; and one Chief Surgeon. I have stated that we propose to increase salaries; and without pledging myself too closely, I think I may say that the increase of salaries, as measured by the present establishment, will not in the aggregate exceed £6,000 or £7,000 a-year. This will not be regarded as a heavy additional expenditure, seeing that the revenue of the Colony, which in 1867 was not more than £11,000, was, according to Sir Garnet Wolseley, estimated for the present at £52,000. Now, though expenditure has always a tendency to increase with the income, I think it is probable that there will be a sufficient surplus to meet the future reasonable requirements of the Colony, when the present exceptional period of difficulty is successfully past. It will be my object, as far as possible, to induce competent men to take employment in the Colony; but up to this time, I think many circumstances have operated against their doing so. I may take as an illustration the rate of pensions. For Civil Servants there are two rates of pensions—the English rate and the tropical rate. By a curious anomaly, those doing duty on the Gold Coast—as unhealthy a settlement as any under the British Crown—have been put on the English instead of on the tropical scale. I propose to reverse that, and to put them on the tropical scale. Again, whenever it has been possible to give free passages home to naval and military officers engaged on that Coast it has been done; but owing to some existing regulation, the privilege has been withheld from the Civil Servants. I think there ought to be no difficulty about that. Those engaged in civil employments will for the future be entitled, equally with military and naval officers, to free passages home whenever it is possible. The next question is, Where should the seat of Government be placed? In connection with this question there are three considerations—the military, the commercial, and the sanitary. So far as the two former are concerned, I am not aware that Cape Coast Castle has any special advantages; but as regards its sanitary qualifications, it is, perhaps, the very worst place that could have been selected. The soil is saturated with sewage; there is decaying vegetable

matter in abundance everywhere about, the houses are crowded on one another, and burials take place under the very buildings of the living. Not only will horses not live there, but even cattle cannot exist at Cape Coast Castle. It deserves more than, perhaps, any other place the appellation of "The White Man's Grave." This being the case, there must be a change; the seat of Government must be moved, but for obvious reasons it must still be kept on the sea coast. Now, there would seem to be a choice of one or other of two places—Accra on the east, and Elmina on the west. Accra appears to be the most desirable as regards health. It is surrounded by open country, it seems to offer facilities to sportsmen—from which a fair inference may be drawn; horses and cattle will live there; and, as we are proposing the consolidation of the Lagos and the Gold Coast Settlements, it has this advantage—that it is about midway between the two. As against those advantages, the landing-place is bad. On the other hand, Elmina is in the neighbourhood of hills, there is a good water supply there, and there are facilities for sanitary improvements. The port, which at present admits craft of 40 or 50 tons, may be made available for much larger vessels. At present I am not prepared to say to which place we shall be disposed to give the ultimate preference. But, my Lords, while some town on the Coast must be the nominal seat of the Government always, and its real seat in time of war, the seashore can never be a place in which health can be maintained at its highest point, and in which, therefore, public business can be done in the most effective manner. But at a distance of some 30 miles from Accra is a country of hills. In these hills missionaries have lived for a long time, and their children have been born and have grown up there. European flowers and vegetables grow, and the conditions of European life and health exist there. I think that in these hills there may be founded a station, which would be to Accra or Elmina what Simla is to Calcutta. Simple and inexpensive buildings which may be stockaded could be constructed, and a detachment of armed police may be kept there. It may be connected with the seat of government on the Coast by roads and the telegraph, and

when this is accomplished the English Governor and his officers may live there for at least a great part of the year. It would have great advantages in a sanitary point of view, and health is necessary to the efficiency of government. Of course, certain conditions must be annexed to his residence there. He may live there while there is complete peace; but in case of war he must immediately come down to his seat of government on the Coast to avoid the danger of being cut off. But a central government is not enough. In barbarous times and in uncivilized countries, roads are the first condition of improvement; and here it will be our first duty to open and secure the maintenance of roads and trade-paths. As to the expenses connected with them, I see no reason why they should not be in a great measure provided for by the Natives, very much as is the case in India. One of the complaints made by the Ashantees was, that their traders when on their way to the sea coast were constantly molested by the Fantees. To meet this, and similar not unfair complaints, I propose to have certain stations on the road and detachments of armed police to hold the country, to maintain the roads, and to punish with inflexible severity any attempt on the part of lawless people to disturb those who are engaged in trade. In this way, then, we shall, I trust, secure health for the Government and peace for the trade of the country. At the same time, we shall keep up communications, not only effectively, but rapidly, between different parts of the country; and this is the great secret of administrative success in a wild and barbarous region. And now I will say a few words on the question of the military force. There, as everywhere else, we must have a strong military force in the background, and to economize that military force would be the worst economy of which we could be guilty. The question, however, is, what that force shall be. My Lords, I believe English troops are wholly unsuited to that climate. There is a very remarkable despatch to be found in a recently-published volume of the Correspondence of the late Duke of Wellington, which is very characteristic of that great man. You will find there a multitude of details gathered up and

brought to a general conclusion, in which the Duke shows as great an acquaintance with the then affairs of the Gold Coast as if, instead of being Commander-in-Chief in England, he had been Governor or Administrator there. At the same time, he deprecates in the most earnest way the employment of English troops on that Coast; and although the conditions, in many respects, have since been somewhat altered, still the main argument seems to hold good. I am clearly of opinion that the English troops are misplaced on the Gold Coast. In the same way I doubt whether the West Indian troops are much more suitable, for whenever they have been tried they have been found to succumb to the influences of climate as rapidly, if not more rapidly, than English soldiers. Therefore, I come to the conclusion that, on the whole, though it is not without risk, it is the wisest policy to dispense altogether, and as soon as possible, with English troops, and to rely entirely upon Native forces. I think these Native forces will be found to be efficient and inexpensive. As regards efficiency, the experience of the late war is a sufficient proof. Russell's and Wood's regiments and Rait's Artillery would be alone evidence of what Africans, when officered and led by Englishmen, can do; and as regards expense, and speaking roughly, I may say that of late years we have not had fewer than 300 West Indian soldiers on that Coast. Now, a West Indian soldier costs £100 a-year; whereas a Houssa costs only £30 a-year. Consequently, we could maintain 1,000 Houssas, who would be more effective, for the same amount that 300 West Indian troops now cost. But I should be sorry to have the Native force selected from one single tribe. On the old principle of *divide et impera*, the force should be a mixed one, and the men should be taken from all the best fighting tribes. This is an experiment which I think must be tried, as it is essential to our occupation of the Gold Coast. There ought, however, to be a full proportion of English officers attached to this force—rather a larger proportion than is now attached to Indian irregular regiments—and if there should be a few more than are wanted, they can be made available for political and general service. This nearly ex-

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hausts what I have to say on the general administration of the Gold Coast; but I should like to make a few remarks on some other and rather more domestic questions. The life-blood of a Colony must be its trade and its commercial system. A great deal of evidence is in existence on this subject, and yet I candidly own I am not satisfied in my own mind as to the results. It seems clear that changes have occurred on the Gold Coast not dissimilar to those which have happened in many other parts of the world. Formerly, I believe the system might be described as one consisting of a few influential and wealthy merchants, men of education and ability, who by their residence there greatly strengthened the hands of the Government. Such were the merchants in Mr. Maclean's day. At present, I believe, a different class exists. There are many and small traders, and this affects, no doubt, in a less satisfactory degree, the general conduct of Government. We have, too, applied the English law there in all its technicalities and subtle processes. Now, it seems to me that it is a mistake and almost an absurdity to apply to negroes the refinements and complications of the English law of bankruptcy. Yet this has been done with, I am told, a dismal result, as fraud and dishonesty are the frequent consequences. Therefore I look forward to a great simplification of this and other branches of law on the Gold Coast. It is said by some that there is very little trade to be expected from the interior. I hope, however, that this apprehension is unfounded. At all events, the revenue is a rising one, and I trust that, with proper care and management, it will continue to grow. There is one point with regard to our trade which I cannot refrain from mentioning on this occasion—namely, the importation of arms. This is a very serious question. The arms supplied to the Ashantees were for the most part transported into the interior when the Coast was closed. They were imported from the west through the port of Assinee, where the French have a claim and exercise some jurisdiction. With the greatest friendliness on their part, it was impossible to prevent the importation of those arms to the Ashantees, who were supplied largely with them. But I leave it to the House to say how diffe-

rent it would have been if, instead of old flint-locks, they had been supplied with breech-loaders and arms of precision, which they might have employed in the bush with deadly effect. How the importation of arms is to be controlled from without I am not at present prepared to say; but it is a point which deserves very grave consideration, because it is very important with reference to our military preponderance on the Coast that we should have the means of, at all events, regulating the supply. Along our own frontier it is comparatively easy to do this, and I am not indisposed to give the Government a monopoly for the sale of arms. Arms are really necessary to these people, not only for hunting and self-defence, but for the ceremonies and customs of every day life; but it is a question whether the Government could not supply weapons of such a type as they might deem to be most advantageous to the Natives, each firearm bearing a particular stamp, and each being issued to a Native only on the recommendation of his own Chief. In this way we may be quit of a danger, and we may serve a political and administrative purpose. As regards the administration of justice, changes will, of course, be necessary. At this moment there is on the Gold Coast no Court of Appeal, no Public Prosecutor, and only one Judge. Now, I propose to appoint one Chief Justice for the two Settlements, one Chief Magistrate or Judge resident at each Settlement, but applicable to either, and one Queen's Advocate or Public Prosecutor. Besides this, I hope to extend, as far as possible, the principle of circuit administration. There are many cases where it is easier to bring a tribunal to the persons interested than it is to bring the persons interested to a Court, and when in 1867 it was necessary to re-organize the internal administration of justice in Jamaica, this was the principle we adopted. Further, I am bound to say I entertain very considerable doubts as to whether the jury system ought not to undergo some material modification. Though it is the palladium of English liberty, I doubt whether it is essential to a system of well ordered freedom on the Gold Coast. It seems to be clear that the Coast juries—partly through tribal jealousies, and partly through interested motives—cannot be thoroughly trusted with the

adjudication of inland cases which are brought before them. Nor is it possible in the consideration of this branch of the question to forget that domestic slavery exists. Slavery in any form is so utterly repugnant to all our principles that it must be the object of a Minister as soon as he can to extinguish it. It is also a constant source of embarrassment; but though difficulties are brought about by native slavery, on the other hand the difficulties involved in an immediate and compulsory emancipation of slaves would be still greater. Unless Parliament is prepared in such case to do that which is fair, to look upon the slave as property, and vote a compensation—which probably would not be far short of £1,000,000 sterling—I hardly see how you can deal effectually and honestly with that subject; but if slavery were immediately abolished, the necessary results would be an increase of our obligations, our expenditure, and of the complications in these territories. I am bound to add that I believe the hardship to the slave has been largely and happily reduced. When Dr. Madden was sent out in 1841 by Lord John Russell, who was then Colonial Secretary, he reported that the slaves absolutely refused to be liberated unless the Government would undertake to provide food. This, of course, is not conclusive; but it shows at least how full of difficulties this question is. I would gladly lay down such rules as would pave the way to the ultimate and, indeed, to the early extinction of slavery; but anything sweeping in the way of compulsory emancipation seems to me at this moment more calculated to enhance the difficulties with which we have to deal, and even to worsen the lot of the slave, than a gradual and cautious way of dealing with it. My Lords, I have gone over many of the various points which I desired to bring before your Lordships. Your Lordships will see that Her Majesty's Government propose to retain, as far as territorial jurisdiction goes, the Protectorate pretty much as it stands. Committees of the House of Commons at different times have held different language as to the extent of territorial power which we exercise—and the Colonial Office, perhaps, has not been more consistent; but, on the whole, it seems to me that though some increase is in-

evitable in order to carry out a more effective administration, the present limits of our territorial power should not be enlarged more than is absolutely necessary. In order that there may be no misapprehension, I will sum up the various points with which I have troubled your Lordships, I fear, at too great length. In the first place, it is the wish and the intention of Her Majesty's Government in this scheme not materially to extend our territorial jurisdiction or our obligations; secondly, it is their wish that government should be made in this matter as direct and simple as possible. That I believe to be our best chance of administering affairs in these territories. It was the personal influence of Mr. Maclean which enabled him to accomplish that wonderful task which he undertook in the midst of a large and uncivilized population. So have I seen in former years and in uncivilized countries, Englishmen with no direct authority or control, but with the reputation of an inflexible justice and impartiality, attracting men from hundreds and hundreds of miles to refer to their arbitration the disputes and quarrels which no Native authority could settle. England may well be proud to have produced such men. Thirdly, the opening up of trade will be a great advantage to these territories. From Livingstone downwards, we have the experience of the greatest travellers that trade is the handmaid of religion, and tends to produce order and security. Fourthly, we are bound in every way we can to discourage all the barbarous customs which still exist, and to make the Chiefs understand that if they desire the protection of the Crown, if they desire to be called allies of the English people, they must renounce those customs as abhorrent to Christianity and civilization. Fifthly, though I will not say that anything like an extravagant sum is required for the purpose, yet I wish to give fair warning that it is impossible, without some additional expenditure, that the government of this Coast can be properly carried on. Parliament and the Government will do wisely in abandoning the illiberal scale of expenditure which has for so many years past been applied to this Coast. It is not safe. It is not even economical. I do not believe the expense ultimately need be a large one, but some increase is inevitable. And, lastly, I wish to

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say, both for myself and, indeed, for any future Colonial Minister, that whilst undertaking this new system of administration of the country, it will be open to us at any future time to reconsider our position upon this Coast. I trust that the plan we propose may be productive of good, but the difficulties, as I have endeavoured to point out, are considerable; and, therefore, I think it is well that we should be held perfectly free at any future time to reconsider our position. I sometimes hear that we ought to pave the way to an abandonment of this Coast by present preparations for such a change of policy; but I can only say that this betrays a great misapprehension of the facts of the case. The moment you begin by overt acts to pave the way to abandonment, you will provoke aggressions and render the step that you desire to take impossible. If ever the time should come to make preparations to abandon the Coast, the quicker that the execution follows on the intention the better. I have left still a good deal unsaid. Nevertheless, I have given an outline, I trust, of the scheme which we propose, and which I hope, without increasing materially our obligations, will give us a reasonable chance of maintaining more efficiently than heretofore our position upon the Gold Coast. It will always be a task full of difficulty, and possibly of danger. But difficulties are not new to us—they are the history and the heritage of the English race. Throughout the records of our career in India, there is not a single page which does not contain a story of difficulties as great as these successfully overcome, of tribes as fierce subdued, of climates as pestilential so far mitigated that English life and English government have become possible; and if, indeed, by some awful catastrophe it were to be our fate to perish and to disappear from India, we should, I do not hesitate to say, leave behind us a monument of statesmanship and power such as the world has not seen since the days of the Roman Empire. In the present instance it is certainly not a desire of selfish interests or the ambition of larger empire which bids us remain on the West Coast of Africa; it is simply and solely a sense of obligations to be redeemed and of duties to be performed. But this at least, I venture to say, that as long as we do stay there, whether our

stay be long or short, we must exercise an effective control, alike beneficial to the Natives themselves and worthy of the history and position of this country.

EARL GREY was of opinion that to abandon the Gold Coast altogether would be simply impossible without utter disgrace to this country. On the whole he concurred in the scheme sketched out by the noble Secretary for the Colonies. He thought that the administration of Governor Maclean was a model which should be studied and followed, for under that most able officer the British Protectorate had risen from a most deplorable condition to great prosperity, and though, since the death of Governor Maclean, there had never been another Governor of equal energy and judgment, still the system adopted by him had been in the main adhered to. The Gold Coast continued to make progress, though less rapidly than it might have done if better governed, till 1863. After that year a different system came into operation. The Protectorate continued, but the control which had formerly been exercised over the Chiefs and people was, by the orders of the Home Government, practically relinquished by the officers employed on the Coast. Not only merchants, but even officials testified that from that time the state of things steadily deteriorated; savage customs which had been suppressed began to be re-established, and trade became more and more insecure. It was to be hoped we were now about to revert to the old system of giving control as well as protection. He approved the proposal to keep up a Native force, and thought the proposal to construct roads throughout the Protectorate of the greatest importance. He thought the Native troops might be employed as sappers and miners in the construction of these roads as well as in keeping them open afterwards. In regard to arms, it would no doubt be highly desirable, if it were possible, to prevent their importation into Africa; but he was persuaded that it was quite impracticable to prevent it, and that to endeavour to do so would only lead to an interference with regular trade, and to a great deal of smuggling; and it would be found in the end, should a war break out, the Natives had obtained arms notwithstanding all the prohibitions. It would be much better to recognize that the im-

portation was inevitable, and to add to the revenue of the Gold Coast by subjecting the arms to a duty.

THE EARL OF KIMBERLEY: My Lords, I do not propose to express an opinion upon the whole plan which has been laid before us by the noble Earl the Secretary of State with so much ability. Through the course of political events in this country it did not fall to Her Majesty's late Government to consider the course which ought to be taken at the conclusion of the War in Ashantee. In regard, however, to my own opinions on the subject, I may say that my leaning is towards the policy which the noble Earl has announced—that, namely, of remaining on the Coast. At the same time, I would, by no means, go so far as my noble Friend on the cross-benches (Earl Grey), who seems, from his remarks to-night, and also from letters of his which have been published in *The Times*, to regard the matter as one scarcely admitting of argument. It seems to me, on the contrary, that there are great doubts and difficulties surrounding the question. Although it was not my duty to bring the matter for decision before the late Government, I have considered it carefully in my own mind, and I freely confess that the arguments on both sides seem to me very weighty—so much so, indeed, that I have had great difficulty in coming to a conclusion on the subject. One reason why I should be most unwilling to criticize closely the details of the noble Earl's plan, even if I had had time to give them ample consideration, is that I am conscious of the difficulties—the extreme difficulties—which surround the adoption of any policy in regard to the Gold Coast, whatever may be its character. There is but a choice of alternatives, none of which is at all satisfactory. A policy of abandonment, which some persons have recommended, might lead to great evils on the Coast. At the same time there are numerous difficulties, as the noble Earl has justly and clearly pointed out, which have to be encountered in connection with the administration of that territory. I would remark that my noble Friend was perhaps somewhat inconsistent when, at the close of his speech, he said that our position might at some future time be reconsidered. The tenor of his statement seemed to me to point to a permanent

administration. Now, it is almost impossible to carry on an administration if you are in a state of uncertainty as to whether you are going to remain in the territory or not. There would of necessity be an unsettled state of things, which might render the best of your schemes abortive. As to an Administrator for the Gold Coast, it is exceedingly difficult to find a man in every way suited to the position, and exceedingly difficult when you have found him to keep him there. Not only may his health break down, but you cannot chain a man to such a coast. If he be an able Administrator—and he must be an able Administrator to conduct its affairs with advantage—you cannot resist his application to be promoted to some better post. This is one of the difficulties in the way of dealing with a Colony such as that of which I am speaking. With respect to the proposal of my noble Friend to combine the Gold Coast with Lagos, it is one in the wisdom of which I quite concur. The Governor of Sierra Leone is too far off to be able constantly to attend to the affairs of the Gold Coast, even though he might be as able a man as Sir Arthur Kennedy. A casual visit to the Coast is calculated merely to unsettle the administration of the Colony itself, while the Governor who pays it has not the time necessary fairly to mature his own plans. I repeat, therefore, that I think my noble Friend has done well in uniting the Gold Coast and Lagos under one Administrator. I am glad, I may add, to find that the noble Earl recognizes the great objections to the employment of West India troops on the Coast. Those troops, it is but fair to say, have, in accordance with the testimony of all, done their duty admirably in the late war; but it is not their fault that, coming from a totally different climate, and accustomed to a more easy life, they are liable, like the White man, to disease; while they are not endowed by nature with the same energy and physical capacity. There is this further difficulty—that it is by no means easy to obtain recruits for a West India India Regiment, owing to the great demand for labour in those Colonies; and I am therefore of opinion that my noble Friend has wisely determined to organize a Native force. Then, as to the importation of arms, I entirely agree with what has fallen from my noble

Friend on the cross-benches (Earl Grey). I say so after having given the subject the most anxious attention. There are several obstacles in the way of regulating that importation. You must have, in the first place, the command of the whole Coast; and even if you did possess that control of the whole Coast, you could not altogether prevent the tribes in question from obtaining arms—because there is a considerable overland trade from the north, and arms thus find their way from a central depot in Africa to the banks of the Volta. My noble Friend touched on the administration of justice, the construction of public works, and many other improvements; but without the exercise of more direct dominion—and he very justly pointed out the objections to exercising a more direct dominion over this country—I doubt whether he will be able to carry out his scheme. But whatever we do, we must not delude ourselves by imagining that by shutting our eyes to the responsibility which we have undertaken, and we must take care we free ourselves from it, that under the name of a Protectorate we do not assume all the responsibility of managing the affairs of the Colony, without the necessary power. Although I feel as strongly as any man can, the expediency of developing the resources of the Coast, still I do not believe they can be in a flourishing condition as long as domestic slavery exists. A man cannot work energetically when he does not work for himself, but as the slave of some master. Whether my noble Friend can pave the way to a better state of things by the measures which he has indicated or not, I am extremely glad to find that he is looking forward to taking some steps to deal with the question of slavery. The only other point to which I shall now refer is the proposed change in the seat of Government. Do what we may, the principal means of communication for this country must be through the Coast, and there must, therefore, be very considerable objection to establishing the seat of Government at a distance from the Coast. It would, however, be well if the Governor were enabled to pass more of his time in a healthier climate. I will only say further that I wish the scheme of my noble Friend all the success which he anticipates. Whoever

succeeds in producing a more satisfactory state of things on the Gold Coast will deserve the best thanks of the House and of the country.

House adjourned at a quarter past Seven o'clock, to Friday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 12th May, 1874.

INTOXICATING LIQUORS BILL.

POSTPONEMENT OF COMMITTEE.

MR. ASSHETON CROSS: I wish, on behalf of my right hon. Friend the First Lord of the Treasury, to give Notice that, considering the state of Public Business altogether, and the near approach of the Whitsuntide holidays, he is of opinion that probably, on the whole, it would be more convenient to everybody concerned that we should take the Intoxicating Liquors Bill immediately after the holidays. Probably it would be inconvenient to ask the House to assemble to discuss such a measure on the first day, and therefore we will fix it for the Thursday after the Recess.

IRELAND—CASE OF ARTHUR DONNELLY.—QUESTION.

MR. VERNER asked Mr. Attorney General for Ireland, If his attention has been drawn to the fact that the prosecution of Arthur Donnelly, for firing from his shop-door on a procession of Good Templars passing through the town of Lurgan on the 16th August 1872, has twice or three times failed though removed for trial to the county of Down; whether all the witnesses of importance have been summoned by the Crown; and, whether Arthur Donnelly has been allowed to retain his licence to sell arms, notwithstanding the serious charge against him?

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) in reply, said, the prosecution had not failed through the trial being removed to the county of Down, which was done by Order of the Court of Queen's Bench, but it had been postponed on account of the state of Donnelly's health. As the trial was

pending, and was to be held at the next assizes, it was inexpedient that he should say anything more about the case.

INDIA—RIOTS AT BOMBAY.

QUESTION.

MR. DUNBAR asked the Under Secretary of State for India, Whether he will produce the Despatches received at the India Office in reference to the recent riots at Bombay, and also the Reports of the Commissioner of Police at Bombay relating to the riots?

LORD GEORGE HAMILTON, in reply, said, the Police Reports were received at the India Office on Monday. The Correspondence on the subject between the Secretary of State and the Indian Government was not yet concluded; when it was, he should be happy to lay the Papers on the Table of the House if they were moved for.

MUNICIPAL CORPORATIONS BOROUGH FUNDS ACT, 1872—LEGISLATION.

QUESTION.

MR. A. MILLS asked the Secretary of State for the Home Department, Whether it is the intention of the Government to introduce any Bill to amend the Municipal Corporations Borough Funds Act passed in 1872?

MR. ASSHETON CROSS, in reply, said, the subject had been under the consideration of the Government for some time; but he had been specially asked not to announce the determination which had been come to upon it until he had received some gentlemen from the North of England who particularly wished to see him respecting it. He should be prepared early next week to state the views of the Government relative to the question.

POST OFFICE—POSTAGE TO THE UNITED STATES.—QUESTION.

MR. SEELY asked the Postmaster General, Whether, since the last Session of Parliament, any proposal has been made by the United States Government to issue Postal Cards at 1d.; and, if so, whether he will lay upon the Table of the House any information which the Post Office has relating to this proposal?

LORD JOHN MANNERS, in reply, said, he could only give the hon. Mem-

ber the same answer as he had given him 10 days ago, that no such proposals had been received from the United States Government since the last Session. He was, therefore, unable to lay any Papers relative to the subject on the Table of the House.

PARLIAMENT—ASCENSION DAY—
COMMITTEES.

MR. GATHORNE HARDY (for the First Lord of the Treasury) moved—

"That Committees shall not sit upon Thursday, being Ascension Day, until Two o'clock, and shall have leave to sit until Six o'clock, notwithstanding the sitting of the House."

He said that the Motion was different in form from that adopted last year, when complaint was made that Committees could not sit long enough to do any real business.

Motion agreed to.

PARLIAMENT—STATUTE OF ANNE—
OFFICE OF ATTORNEY OR SOLICITOR
GENERAL.—RESOLUTION.

MR. YORKE, in rising to move—

"That, in the interest of the public service it is expedient that Members of this House who after their election may have accepted the office of Her Majesty's Attorney General or Solicitor General, should be for the future exempted from the operation of the Law under which all Members who may accept offices of profit under the Crown are compelled to vacate their seats,"

said, that at the beginning of the present Parliament it must have struck every gentleman who took an interest in public affairs that considerable waste of time was incurred by the re-election of Members who had accepted office under the Crown, pursuant to the statute of Anne. This was felt all the more, because of the time at which the Dissolution took place; and the result was that what the Prime Minister called a financial *tour de force* had to be executed by the House. His first intention was to move for a Committee to inquire into the whole subject, and, if necessary, to move that the law requiring the re-election of Members who accepted office under the Crown should be repealed; but, on looking into the history of the matter, he found that, at the beginning of the last Parliament, Lord Bury, then a Member of this House, was similarly struck with the waste of time involved in sending back for re-election Members who had just been elected with the per-

fect knowledge that it was their intention to accept office under the Crown and brought the matter before the House. He should have thought that the Bill of the noble Lord would have been allowed to proceed without opposition to the second reading; but he was met with an outcry that he was attacking a cardinal principle of the Constitution and laying an unholy hand on the ark of our Constitutional liberties. The late hon. Member for Brighton (Mr. White) said it was not for a private Member to tinker and tamper with the fundamental principles of the Constitution. The right hon. Member for Oxfordshire (Mr. Henley) said he did not like in this way to cut the connection between the House of Commons and the people; the hon. and learned Member for the City of Oxford (Sir William Harcourt) expressed what he termed a vehement dissent, and said that the choice by the Sovereign of her Ministers should be ratified by the people as represented by their constituencies; and the debate was closed by the late Prime Minister, who said that, although there was some inconvenience attending the operation of the existing law, yet it was premature to re-open the question. The result of all this was that the severe course was taken of refusing leave to bring in a Bill, and the matter there ended. After reading the opinions of these high authorities, he felt as if he had been warned off the ground and tried to find some means of mitigating the inconvenience of the existing law. The first Act which bore upon the subject was the 6 Anne, c. 7, the 26th section of which said that if any Member accepted an office of profit from the Crown during the time he continued a Member, his election should be void, and a new Writ should issue as if such person were naturally dead, but he should be capable of being re-elected. Since that time many modifications of that principle had been introduced. The Reform Act of 1867-8 provided that if any of Her Majesty's principal Secretaries of State should be transferred from one office to another, he need not vacate his seat. It also enacted exceptions in favour of the Secretary of the Treasury and the Secretary of the Board of Trade, as not formally holding office under the Crown, although he could not see any difference with respect to them so far as constitu-

Lord John Manners

tional principle was concerned. Other exceptions were made by 22 & 23 *Vict.* in favour of the holders of diplomatic pensions or Civil Service superannuation allowances. The law was full of eccentricities and anomalies, which had been created under an urgent sense of the inconvenience of carrying out the Act to the letter. There was, for example, the remarkable fact that persons becoming Ambassadors or foreign Ministers did not have to vacate their seats, although it must be obvious that they could not well attend to their duties in the House of Commons while residing in China or Japan. Thus Mr. Layard, although appointed Ambassador to Madrid in October, 1869, the Speaker could not issue his Writ during the Recess, and the borough of Southwark was kept in the turmoil of a contested election for four months after Mr. Layard had reached Madrid. Then there were the well-known modes by which Members were enabled to resign their seats—the acceptance of the Chiltern Hundreds, the Stewardship of the Manor of Poynings, of East Hendred and Northstead, or the Escheatorship of Munster; but surely it was a most curious anomaly that a Member might accept the office of Ambassador at Paris, with a salary of £10,000 a-year, and not vacate his seat, while a Member accepting the Escheatorship of Munster, a post of no emolument whatever, at once vacated his seat. Then there was the case of the right hon. Gentleman the late Prime Minister. They had all been much interested towards the close of the last Parliament in looking forward to the discussion which it was thought would arise, had that Parliament lasted another Session, as to the legality of the proceedings of the right hon. Gentleman in not vacating his seat after the acceptance of a second office of profit under the Crown. Unfortunately, the opportunity for discussing that question in the House never occurred, the Gordian knot having been cut by the Sword of Dissolution, and the matter remained undetermined, adding another to the numerous uncertainties and difficulties with which the whole of this subject was surrounded. With respect to the Motion, there were reasons for selecting the two Law Officers of the Crown for liberation from the necessity of re-election on their acceptance of office. There was nothing

so rare or valuable, either in public or private life, as a good legal opinion, and it was most important for a Minister always to have at hand the Law Officers of the Crown to consult on any difficult question. Good lawyers were not always popular with their constituencies. They were mostly regarded as travelling politicians, who wanted a seat for a short time in order to facilitate their reaching the higher walks of their profession by a short cut, and not toil along with their less ambitious brethren in Westminster Hall. But when they once secured a seat it was necessary for them on the acceptance of office to go again before their constituents. They could not improvise a good legal adviser any more than they could improvise a good theologian. He wished some one would write a novel, descriptive of the difficulties of gentlemen of the long robe in search of a seat. The Solicitor General, if he mistook not, could unfold a tale on this subject, and so also might the Attorney General and the Solicitor General in the late Government. The hon. and learned Member for Taunton (Sir Henry James) was known to be hostile to the female interests in his borough. It seemed probable that before long the ladies would be enfranchised, and then he might learn—“*Furens quid femina posset.*” The hon. and learned Member for Oxford (Sir William Harcourt) might seem to be strong in the confidence of his constituents; but since the General Election he had received a Conservative Colleague, and he did not know whether he saw his way for the future. There was, perhaps, only one lawyer on the Liberal benches whose seat might be regarded as perfectly safe—the hon. and learned Member for Peterborough (Mr. Whalley). It was obvious that if that hon. and learned Member looked to the past there was nothing he could do which would shake the affection and confidence of his constituents, and next time a Liberal Government was in office, notwithstanding the slight misunderstanding between him and the late Prime Minister, the House might confidently expect to see him the Liberal Solicitor General. It was clear that a Premier in selecting his Attorney and Solicitor General was obliged to look not only to the best man, but to consider who had got the safest seats. He maintained, on the other hand, that it was merit and not accident

that should be rewarded, and the House ought to discourage legislation that had an opposite effect. It was not, however, from a lawyer's point of view that he had selected the Attorney and Solicitor General for illustration. His argument was that the public interests suffered from the present system. To show how desirable it was that the Government should have the best legal advice he would take such a case as that of the *Alabama*. If the legal advisers of the Crown were men of inferior knowledge and capacity they might advise a ship to be detained in port when there was not sufficient ground for her detention, and the result would be that the Government, or, in other words, the taxpayer, would be mulcted in damages to the shipowner. In the contrary case of a ship being allowed to go out which ought to have been detained in port, the result would be that the Government might be mulcted in £3,000,000 damages to the country upon which the ship made war after escaping from an English port. These instances might be multiplied indefinitely. The Government thought that their responsibility was covered if they stated that they were acting in accordance with the opinions of the Law Officers of the Crown. It was therefore important that they should have the best advice that money could procure, and that there should be no artificial obstacle raised by law to the Government getting the best opinion that could be obtained. It was the custom to appoint for certain posts gentlemen who had no special knowledge whatever. There was no difficulty in obtaining, for example, for appointments in the Royal Household, young gentlemen of engaging appearance and courtly manner, who would discharge their duties with satisfaction to Her Majesty and credit to themselves. To send such gentlemen back to their constituents was a very different thing from sending the Law Officers of the Crown back for re-election. What was more, the re-election of the Law Officers had a tendency to occur very often. Many of the dignitaries of the law were very old, and when the time came for them to be transferred from Westminster Hall to Westminster Abbey, or some other repository of the distinguished dead, their places were usually taken by Gentlemen who had a seat in the House of Commons. This might occur

Mr. Yorke

again and again until the Government of the day got to the bottom of its bag and exhausted the whole stock of legal ability on one side of the House. The tendency of such a system was doubly mischievous, because it not only promoted lawyers who were themselves unworthy of the Bench, but took away from the credit and authority of the Bench itself. It should be remembered that small boroughs—that much abused, but, as he thought, somewhat useful institution—had been abolished, with only a few exceptions. He had himself had the pleasure, when formerly in the House, of representing one, which he presumed only awaited the *coup de grâces* of the next Reform Bill. Yet small boroughs oiled the springs of legislation and enabled the machinery to move smoothly, and the result of their abolition was to make the country more sensible of the anomalies that remained. The difficulty in the way of carrying his Motion into effect was only a formal one. He granted that, unlike the Under Secretaries of State, the Law Officers of the Crown held their office directly from the Crown; but if he had proved that a practical difficulty and evil existed in the present law he submitted that he had proved his case. He trusted he had shown that the present state of things was indefensible in theory, inconvenient in practice, and mischievous in its effects on the public service. If so, he trusted that the Government would take the subject into its candid and serious consideration, and give the House an assurance that the Government would itself deal with the subject at no distant time. The hon. Member concluded by moving his Resolution.

MR. GREGORY seconded the Motion, but not without some reservation, as he could have wished that it had gone further than it did. Reference had been made by his hon. Friend to the discussion which took place on this subject some five years ago, as creating a difficulty in doing so; but the question was raised somewhat suddenly, and was stopped *in limine*, there having been no opportunity for fully dealing with it at the time. That discussion, however, had anticipated to a considerable extent the objections which might be taken to the present Motion. The late Solicitor General (Sir William Harcourt) on that occasion contended that the provisions

of the Act of Queen Anne were part of the Act of Settlement, and the result of a compromise between the two Houses of Parliament at that time. But this was not so in point of fact. The present law originated in 1692, when Parliament was full of placemen, and a Bill was brought forward in the House of Commons excluding all placemen from seats in Parliament. The Whig party of that period had fresh in their memory the corruption of the previous reigns, and the Tory party were jealous of the reigning Sovereign. Both, therefore, participated in a desire to limit the power of the Crown in Parliament. It was under these circumstances that the Bill was passed through the House of Commons; but it was virtually rejected by the House of Lords by something like a side-wind—the insertion of the words “unless subsequently chosen”—and vetoed by the King; but the House of Commons thus baffled took the opportunity afforded by the Act of Settlement of inserting the same provision, with the Amendment of the House of Lords, which was the existing law. The reasons which rendered this advisable then, existed no longer, and it was time to do away with a law that inflicted little else but inconvenience on all parties concerned. Members of the Government, when appointed, had to appeal to their constituents, and it might happen that they had to answer questions and make speeches, embarrassing not only to themselves, but to the Government. Besides, under the present arrangement, the House might be deprived of the services of a most valuable Member simply from the caprice of the electors. The subject did not involve any political considerations. The question was one of convenience or inconvenience, and in the particular instance under consideration, it did not apply to the Government alone. It applied equally to the House itself, for the House was constantly asking the opinions of the Law Officers of the Crown on various important points, and of requiring their assistance and attendance; and the services of the best men ought to be secured with the least possible inconvenience. He trusted, therefore, that the Government would see their way to the repeal, either wholly or in part, of the statute of Queen Anne. He had much pleasure in seconding the Motion.

Motion made, and Question proposed,

“That, in the interest of the public service, it is expedient that Members of this House who after their election may have accepted the office of Her Majesty's Attorney General or Solicitor General, should be for the future exempted from the operation of the Law under which all Members who may accept offices of profit under the Crown are compelled to vacate their seats.”—(*Mr. Yorke.*)

MR. GATHORNE HARDY: It is not unnatural that my hon. Friend, under the circumstances of the recent Election, should have his attention called to the peculiarities attending it; but I cannot help feeling that he has drawn too wide conclusions from very narrow premises, because the special circumstances by no means warrant so great a change as that which my hon. Friend proposed in his speech, though not in his Resolution. Both of my hon. Friends, indeed, have alluded more to the inconveniences to individuals than to the interests of constituencies that return them. My hon. Friend who moved this Resolution said that it was not a very easy thing for lawyers to get into Parliament, and he says that they frequently may be called travelling politicians. But I must say that one of the first things which a travelling politician ought to do would be to travel to his constituents and see whether or not they approved the step he had taken. When my hon. Friend refers to the case of the Under Secretaries of State, he seems to forget that the responsibilities in the two cases are entirely different. The Under Secretaries of State have practically no personal responsibility. They are responsible only to their Chiefs, who in their turn are responsible to Parliament. But a far larger responsibility rests with the Law Officers. They have to recommend State prosecutions, to advise when Writs of Error should be issued, and they have the opportunity of indulging in acts of grievous oppression if they choose to avail themselves of those opportunities. It therefore seems to me that the Law Officers of the Crown are the very last persons who should be exempted from the necessity of re-election on their acceptance of office. The argument of the hon. Member who moved the Resolution goes to this length—that good lawyers should be put into the House without any election at all if constituencies were so weak as not to return them. I have

no wish, however, to go beyond the terms of the Motion, which in its terms is very imperfect and illogical. I am by no means prepared to say that the time has arrived when we should get rid of the statute of Anne, and when all Members should be allowed to take office under the Crown in this country without seeking re-election. It might be that a Member had told his constituency that he was going to enter Parliament as an independent Member, and, indeed, during the course of the last General Election I saw addresses issued by Members of this House in which they declared that it was their intention to hold themselves aloof from either party and to take their stand upon independent grounds. Supposing that such Members were to yield to the blandishments of the Government of the day, and were to accept office, notwithstanding their previous declarations, it would only be right that they should return to their constituencies and obtain their sanction to the course they had pursued. It does not seem to me that we are urging a very serious matter at present, because the hon. Member is avowedly only feeling his way by his Motion. The question before the House has nothing to do with the Act of Settlement, and although there are doubtless many anomalies in our Constitution, still it is not by creating fresh anomalies that we can do away with them. I think, therefore, that we should trust to the constituencies to return good lawyers to this House, and that we should not relieve the Law Officers of the Crown from the necessity under which they, in common with the rest of the Ministers, are placed of seeking re-election at the hands of their constituents.

MR. SCOURFIELD considered that, in conferring office, they should, as a general rule, keep in view the fitness of an individual for the office, and not allow collateral considerations to enter into their choice, and in that way they would be likely to obtain good lawyers.

Motion put, and *negatived*.

SALARIES AND EMOLUMENTS OF THE OFFICERS OF THE TWO HOUSES OF PARLIAMENT.

MOTION FOR A SELECT COMMITTEE.

MR. DILLWYN, in moving that a Select Committee be appointed—

Mr. Gathorne Hardy

“To inquire into and report on the Salaries and Emoluments of the Officers of the Two Houses of Parliament, with the view, as vacancies occur, of fixing them upon an equitable basis.”

said, he had no intention whatever of disturbing the present holders of these offices; on the contrary, if it were found that any of them were paid upon too low a scale, he should desire that their salaries should be raised to the proper amount. There was a great discrepancy between the salaries paid to the officers of the two Houses, those of the House of Lords being paid on a far higher scale than were those of the Commons. Thus the Chairman of Committees in the House of Lords received £2,500 per annum, while the Chairman of Committees in the House of Commons received only £1,500 a-year. The Clerk of the Parliaments in the House of Lords received £2,500 a-year, while in the House of Commons he only received £2,000 per annum. The Reading Clerk in the House of Lords received £1,200 per annum, while the Clerk's Assistant in the House of Commons received only £1,000 per annum. The 25 clerks in the House of Lords received among them £14,470, or an average of £579 per individual, while the 34 clerks of the House of Commons received only £15,476 or an average of £455 per individual. The junior clerks in the House of Lords received an annual increment of £20, while those in the House of Commons received an annual increment of £10. The principal door-keeper in the House of Lords received £500 per annum, while the same officer in the House of Commons received only £300 per annum. The second door-keeper in the House of Lords received £300 per annum, while the same officer in the House of Commons received only £250. The Serjeant-at-Arms in the House of Lords received £1,500 per annum, while the same officer in the House of Commons received only £1,200. The Yeoman Usher of the Black Rod in the House of Lords received £1,000 per annum, while the Assistant Serjeant of the House of Commons received only £800 per annum. Neither in that House nor in Committees could the duties of their officers be less severe and arduous than those discharged by the officers of the House of Lords. Indeed, he should have

thought the duties of the former were rather more severe. What he wanted the Committee to be appointed for, was in order that they might ascertain and report whether the officers of the House of Lords were paid too much or those of the Lower House too little. If the former, then it must be the duty of the House of Commons, as guardians of the public purse, to call their Lordships' attention to the fact, because it was most important that their own establishment should be the model on which to form the rest of the Estimates. He might be told that they ought not to interfere with the House of Lords; but he hoped that argument would not be urged, as he did not bring forward this Motion in any disrespect to them, thinking, on the contrary, that that House would rather be obliged to those who would point out where their officers were overpaid. He therefore trusted the Inquiry would be granted.

SIR CHARLES W. DILKE seconded the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into and report upon the Salaries and Emoluments of the Officers of the Two Houses of Parliament, with the view, as vacancies occur, of fixing them upon an equitable basis."—(*Mr. Dilke.*)

THE CHANCELLOR OF THE EXCHEQUER said, he thought the hon. Member would, on reflection, see that the question he raised by this proposal was one which was not merely confined to the differences between the salaries of certain gentlemen who might be performing services on a footing of equality, but that it entered into considerations of a different character affecting the relations between the two Houses of Parliament. In this matter there had always been a considerable delicacy as to the mode in which the House of Commons had behaved towards the other House, and as to the mode in which the salaries of the officials had been treated. Up to a comparatively recent time it was the practice of the House of Lords to pay the salaries of its own officers out of the fees received by that House, and if the fees were not sufficient, to certify through the proper channel the amount required to make good the deficiency, which, almost as a matter of course, was voted by this House. But of late years it had been felt by the Members of the House of

Lords themselves that it was desirable to change the practice, and he believed in the year 1868 or 1869 a Select Committee was appointed by the House of Lords to consider the position of the salaries of their different officers. That Committee reported, and, after referring to the arrangements which had been for many years in existence, proposed that in future the fees received in the House of Lords should be paid into the Exchequer, and that the sums which were required to pay the salaries of the officers of the House of Lords should be voted in full by the House of Commons. Therefore, they had recently had in the Estimates the sums which were required for these salaries, which were the salaries that had been given for a long time, and there was no attempt to increase them. On the contrary, an inspection of the Estimates would show that the tendency had been to diminish them. For instance, in the Estimates of the present year, in the department of the Lord Chancellor one office was abolished, saving £200 a-year in a Vote of £4,000, and a Senior clerkship at a salary of £1,150 had been abolished out of a Vote of £23,000. The salary of the Chief Clerk of the Parliament Office stood now at £1,500, and it was proposed to reduce it to £1,200 on the next vacancy. There were other Votes in the Estimates from which it would be seen that the House of Lords were themselves proceeding on every proper opportunity to keep down the expenses of their establishment. The practice was for a Committee to be appointed every year by the House of Lords which settled the salaries, and sent the amounts to the Treasury, and the Treasury submitted them to Parliament. If it were proposed by the House of Lords or by this Committee that there should be any increase in the Votes, the attention of the Government and the House would, of course, be directed to it. On the other hand, that there should be a reduction in the salaries of gentlemen who for years had been fulfilling the duties assigned to them was what the hon. Member himself did not propose. All that he asked for was that there should be some general inquiry into those salaries, not by the authority of the House of Lords as was done now, but by a proceeding on the part of the House of Commons. Whether the salaries were or were not

such as hon. Members would like to see them— and, for his own part, he did not object to them—the mode of proceeding proposed by the hon. Gentleman was one which, in his opinion, this House should be very slow to adopt lest it might raise a question between the two Houses which it would be most undesirable to provoke. If any action was to be taken, it ought to be by a Joint Committee of both Houses. It would be—he would not say “unconstitutional,” because that was a word which was used on so many different occasions that it had almost ceased to have a definite meaning—but it would be a very great infringement of the practice which had always prevailed between the two Houses, and would be rather an offensive measure towards the House of Lords if they were to appoint a Committee of this House to inquire into the salaries of the officers of the other House of Parliament. He would like to know how the Committee so appointed would conduct its proceedings. It would be necessary that the Committee should obtain evidence in order to know the duties of the officers of the House of Lords, and therefore that they should invite the attendance of Members of the other House of Parliament to give evidence. But hon. Members were aware the Members of either House were not in the habit of attending before Committees of the other, unless with the sanction of the House of which they were Members, and it would be impossible for the House of Commons by its own authority to compel the Members of the other House to appear before a Select Committee of this House. He would, therefore, put it to the hon. Member and the House whether it was desirable for the comparatively small object in view—an object which might be attained in other ways—to raise questions of such delicacy and, he would say, such difficulty. There was no disposition on the part of the House of Lords unduly to keep up the salaries of its officers. The differences to which the hon. Gentleman pointed might appear to indicate some inequality in the case of persons charged with an equal amount of duty; but if the hon. Gentleman went through all the salaries in the Civil Service, if he were to compare the cases of right hon. Gentlemen on the Treasury Bench, he would find great inequalities in the salaries of men

who had to discharge duties of equal responsibility. It would not be possible for the Select Committee to go with any advantage into the salaries of all the officers throughout the service with a view to do what the hon. Gentleman proposed. It would be far better to proceed in this matter carefully and cautiously, and in the spirit in which the Committee of the House of Lords dealt with it on the occasions of new appointments, which they always brought under the notice of the Government, and through them of the House of Commons.

SIR HENRY WOLFF said, he thought that an inquiry would be very desirable in regard to the salaries of the officers of the House of Commons, which in very many cases were totally inadequate to the duties which had to be performed. He therefore proposed an Amendment to restrict the inquiry of the Select Committee that had been moved for, to the officers of that House.

Amendment proposed, to leave out from the words “Officers of the” to the end of the Question, in order to add the words “House of Commons,”—(*Sir Henry Wolff*),—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

MR. NEWDEGATE observed that, in his opinion, the Amendment got rid of the objections to which the Motion was obnoxious.

MR. DODSON said, he was not prepared to vote either for the original Motion or for the Amendment. As regarded the Amendment, which proposed the appointment of a Committee to inquire into nothing more than the scale of salaries of officers of the House of Commons, he was not aware that anybody had attempted to make out a case showing that the salaries of the officials of that House were settled upon an inequitable basis. [*Sir Henry Wolff* said, he was ready to omit the words referred to.] In that case there was really nothing to inquire into. The original Motion rested upon this—that a Committee should be appointed to inquire, whether, in comparison with the salaries paid by the House of Lords, the salaries paid by the House of Commons did not stand upon an in-

equitable basis. That was a question on which much might be said; but he thought the argument of the Chancellor of the Exchequer ought to prevail. It would be no breach of the privileges of the House of Lords to inquire into the subject; but they ought, he thought, to respect the susceptibilities of the House of Lords as much as they would expect the House of Lords to respect theirs. The proper mode of proceeding would be to invite the Lords to take part in a Joint Committee of Inquiry, or to open the matter to them by means of a conference or message. No doubt the salaries of the House of Lords were now voted, and therefore admitted to be within the control of the House of Commons, still they ought not to interfere with the salaries unless there should appear on the Votes some abuse which called immediately for a remedy. Under any circumstances, he thought the present time was especially inopportune for entering into any inquiry on the subject. The House of Lords had already parted with some of its judicial functions, and was probably about to part with more, and that must lead to some modification of the salaries of the officials. They ought to wait until those measures had been completed, in order that they might be in a position to know exactly what were the functions required in the other House in the altered state of things. Under these circumstances, he hoped his hon. Friend would content himself with having called attention to the subject, and would be willing to withdraw his Motion.

Mr. ROEBUCK said, that the proposed inquiry was a sort of idle dealing with a very critical and dangerous question. The present was not a time to raise unnecessarily, and about a very trifling matter, a question full of all sorts of difficulties, and at a moment, too, when in a great neighbouring country the subject of the existence of a second Legislative Chamber was being discussed.

Mr. DILLWYN said, he could not but believe that if they asked the House of Lords respectfully to allow their officers to be examined, a consent would be given. He was not wedded to the course he had proposed; and therefore if the Chancellor of the Exchequer would give an assurance that he would endeavour to induce the other House to have

a Joint Committee to inquire into the matter, or if the Treasury themselves would look into the subject, he would at once withdraw his Motion.

THE CHANCELLOR OF THE EXCHEQUER observed that when he had said there was another way of dealing with the matter, he might also have mentioned the way in which it was now dealt with. After the sums were certified, an estimate and statement were laid before a Committee of the House of Lords, and by them submitted to the Treasury, and then laid before Parliament in the annual Estimates; and if it should appear to the Treasury that there was reason to object to any of the proposals made by the Committee, they would feel it their duty to challenge them as they might any other Estimates. The hon. Gentleman might rest assured that the matter would be dealt with in a fair and impartial spirit on all sides. He also trusted the hon. Member (Sir Henry Wolff) would withdraw his Amendment.

SIR HENRY WOLFF said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question put.

The House divided:—Ayes 59; Noes 226: Majority 167.

PEACE PRESERVATION (IRELAND) ACT CASE OF PATRICK CASEY.

MOTION FOR PAPERS.

Mr. BUTT rose to call attention to the case of Patrick Casey, a prisoner confined in prison for three years under the warrant of the Lord Lieutenant of Ireland, and to move for the following documents:—

“Copies of all Affidavits used on a Motion in the Queen's Bench in Ireland, made during last Term, for a writ of *habeas corpus*, in the case of Patrick Casey; of the Ruling of the Court upon such Motion; of the Warrant of the Lord Lieutenant originally issued for his arrest; of all subsequent Warrants, if any, transferring or changing his custody; and, of all sworn Information, if any, on which the original Warrant of his arrest was issued.”

The hon. and learned Member observed that, were he not told that the circumstances to which the Papers related had arisen in Ireland, a stranger would suppose that they belonged to some tale of oppression in a despotic country. Patrick Casey was at present confined in Kilmainham Prison under a warrant

issued by the late Lord Lieutenant of Ireland under the Peace Preservation (Ireland) Act. On the 29th of April last a motion was made in the Court of Queen's Bench in Dublin to bring up Patrick Casey. The motion was made on an affidavit sworn by the father of the prisoner, and in the course of the hearing the learned Judge before whom the application was made happened to inquire for what offence Casey was imprisoned. The learned counsel who appeared for him replied—"That is precisely what we want to know." Application was made to the Governor of Kilmainham Gaol to see the warrant under which he was committed, but the application was refused and reference was made to the Castle. Casey was arrested and confined under a most arbitrary and extraordinary Act which was passed in the year 1871, and which applied to the county of Westmeath and certain adjacent districts. He was imprisoned on the 13th of December, 1871, without any accusation, and, so far as he (Mr. Butt) was aware, without any information having been afforded him as to the cause, or without any opportunity of vindicating himself against any charge that could be preferred against him. He had remained in prison ever since. He asked now for a copy of the affidavits upon which the application for a *habeas corpus* was recently made in the Queen's Bench. Up to the time of his arrest the young man had borne an unblemished character. It appeared by a Return made to that House that he was imprisoned originally on suspicion of being connected with the Riband conspiracy. He remained up to October, 1873, in Naas Gaol, and then by a warrant issued by the Lord Lieutenant—though he (Mr. Butt) could not understand why—he was removed to Kilmainham. His father stated in his affidavit that he himself was an old man, upwards of 70 years of age, and paralyzed; that he held a small piece of land which this son was his principal means of working, and that his son's imprisonment had reduced him to a state, almost of, destitution. He was not aware of any crime of which his son had been guilty. His son had been imprisoned for two and a half years, till his health was breaking down under the confinement. He was not confined in prison for the mere sake of safe keeping, but was suf-

fering a punishment more severe than some years ago was awarded to criminals convicted of grave offences. For 22 hours out of the 24 he was kept in a state of solitary confinement, and when any of his relations called to see him, which they could only do at long intervals, a warder was present at all their conversations, and whenever he attempted to ask any question relative to his confinement, or to the charges upon which he was confined, the warder stopped the conversation, and he was not allowed to open his lips. He regretted to have to say to the House that that treatment of a prisoner in Ireland was perfectly legal. The Act gave the Lord Lieutenant the power of arresting any person in the district included in the Act if he suspected him of being connected with the Riband conspiracy. The Lord Lieutenant had power to detain him in prison without bringing him to trial. He had already been imprisoned for two and a half years, and, under the Act he referred to, as he now saw for the first time, the Judges in the Queen's Bench were to a great extent prohibited from issuing a writ of *habeas corpus*. He had searched through all the previous Acts of a similar character, and in no one of those Acts was that right taken away. This was the first Act ever passed in which that right was taken away. The Lord Lieutenant's warrant was a sufficient answer to any motion directed against the detention of a prisoner; but the Court should have the right of inquiring whether the warrant was legally issued. This young man, therefore, was locked up without any power of his being reached, and this Act for the first time placed him beyond the reach of the law. Such was the state of facts. This was a mere formal Motion for a Return; but he was anxious to bring the case before the House as one which instanced the system of coercion which he believed was practised in Westmeath, and which he also believed was utterly indefensible and unwarrantable by anything that had occurred there. There was another part of his Motion which probably the right hon. Baronet the Chief Secretary for Ireland might not be disposed to grant, and, if so, he did not think he should wish to press it. He had asked for sworn copies of any informations upon which Casey was arrested, and of the warrant which had been

Mr. Butt

issued for his arrest, imprisonment, and removal. If there were none, of course that could be stated, and it would be an answer to his Motion. The prisoner, and others like him, were not originally arrested on the motion of the Lord Lieutenant himself, but on some statement by some police officer or other person whose dignity he might have offended, or who had reasons for desiring his arrest. It was said that arbitrary acts like these were necessary for the peace and security of Ireland; but here was a young man charged with he knew not what, except that the Lord Lieutenant suspected him of being connected with the Riband conspiracy, and without any possibility of his friends getting him to be brought to trial. He was sure the House could not approve of such a state of things; and he begged to move for the Returns contained in the Notice he had given.

Motion made, and Question proposed,

"That there be laid before this House, Copies of all Affidavits used on a Motion in the Queen's Bench in Ireland, made during last Term, for a writ of habeas corpus, in the case of Patrick Casey:

"Of the Ruling of the Court upon such Motion:

"Of the Warrant of the Lord Lieutenant originally issued for his arrest:

"Of all subsequent Warrants, if any, transferring or changing his custody:

"And, of all sworn Information, if any, on which the original warrant of his arrest was issued."—(Mr. Butt.)

SIR MICHAEL HICKS - BEACH said, that when he saw the hon. and learned Member's Notice on the Paper he thought he was going to call attention to some irregular or illegal proceedings on the part of the Irish Government; in which case his answer would probably have been that, at any rate, these proceedings occurred three years ago, and that neither himself nor the present Government was therefore responsible for them. He did not gather from his speech, however, that he complained of any irregular or illegal proceedings. So far as he understood it, the hon. and learned Gentleman's speech was a speech against the principle of the Act for the Protection of Life and Property in Ireland, and he thought the House would be of opinion that the present was not the time for discussing the policy or provisions of that Act. That Act was applied in this

case on grounds which he had no doubt appeared to the Government of the day amply to justify the prisoner's arrest; and, as no charge was made against that Government that the Act had been improperly applied, he should make no remarks on that part of the subject. The hon. and learned Member for Limerick moved for copies of all affidavits used on the Motion for a *habeas corpus*, for a copy of the Ruling of the Court upon the Motion, for the original warrant of the Lord Lieutenant, and also for the subsequent ones for transferring the prisoner. With respect to that part of his Motion, he believed the hon. and learned Gentleman at the present moment had in his possession copies of all the Papers he referred to; and as they could be obtained, or copies of them by anyone who chose to take the trouble to apply for them, he thought the House would be of opinion that, being little more than mere formal documents, they were not worth the expense of printing. With respect to the last part of his Motion, as to the subsequent warrants and all sworn information, if any, on which the original warrant of arrest was issued—he had to say that any Return to that part of the Motion would be directly contrary to the principle of the Protection of Life and Property Act. The policy of that was that the Lord Lieutenant would, upon reasonable suspicion, act upon such information as might be given to him and cause the arrest by warrant of all such persons as might be suspected of being members of the Riband Society. It would be directly contrary to the policy of that Act, and to the intention with which it was passed by Parliament, if any publication should be made of any information on which the Lord Lieutenant might have acted in the matter. It would, in fact, destroy the entire object with which the Act was passed; and therefore, on the ground that, with respect to the first part of the Motion, there would be no useful purposes served by its being carried, and, with respect to the second, that it would be directly contrary to the principles of the law, he must resist the Motion. The hon. and learned Member stated further that the prisoner had been improperly treated whilst in prison. [Mr. BUTT: No.] He had gathered from his statement that the prisoner was subjected to certain restrictions which were vexatious and un-

called for. If that were so—although no complaint of that nature had been made by the hon. and learned Member for Limerick, or, so far as he was aware, by any friend of the prisoner—he would take care that it was looked into, and that the prisoner was well treated. He thought the hon. and learned Gentleman would see, if he referred to the circumstances of the prisoner's removal from one gaol to another, that the removal was made on the ground of the prisoner's health, and on no other. That person, Patrick Casey, had now been confined, under the powers given by the Peace Preservation Act, for, he believed, a period of three years. He quite felt that that was a part of the case to which the hon. and learned Gentleman had not given sufficient consideration, and he (Sir Michael Hicks-Beach) would undertake that it should be carefully looked into, and if it appeared to be consistent with the preservation of life and property in that part of the country in which the prisoner and his associates resided, and in which, he feared, he possessed no little influence, he would not continue him under the present restraints.

MR. BUTT said, that the documents he asked for were important, though to some extent formal documents. The affidavit of his father would show the system of duress to which the son was subjected. He could well understand why the right hon. Gentleman should shrink from publishing the documents he asked for, and he did not think there was an English gentleman in that House whose heart would not bleed at the story they disclosed. The Lord Lieutenant's powers were unlimited, and their exercise irresponsible; and he had a just right to complain that the Protection of Life and Property Act had been used to keep a young man a prisoner for two years and a half with no charge made against him. This was a Bastille. This was government in Ireland by Bastille. And he was to be gravely told that the right hon. Gentleman would consider whether the young man was to die in gaol. He had been removed from gaol to gaol, and he wanted to know whether he was to be kept in prison till he died? If in a time of profound peace that weak and disabled young man must be kept in a prison at the risk of his life to ensure the peace of Ireland, it was a mockery

of government. He should press his Motion to a division.

SIR MICHAEL HICKS - BEACH explained that the removal of the prisoner took place last year. It was ordered by the late Government, and the report as to the prisoner's health which had been since made was that it was good.

MR. ROEBUCK said, he could not hear those things stated in Parliament without being carried back to the time when men's lives in Ireland were thought no more of than those of wild animals. Was that the case now? Was Ireland in a condition so dangerous that men of this sort were to be kept for three years in gaol, and no one allowed to approach them except under guard? He wanted to know whether that kind of thing was necessary? He did not wish to say that Ireland was misgoverned; but this was evidence that the country was in a dangerous state. It was damning, and the Government ought to look into the matter and try to see what the great difficulty was that made it necessary to keep a human being in prison for three years without the slightest accusation being made against him. He said it was dangerous; it was terrible. Englishmen would not bear it, and would demand to understand why this young man was kept in prison.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, that the Act was passed in consequence of an investigation held before a Select Committee of that House, which was caused entirely by the state of the county of Westmeath and a few adjoining districts. It was not enforced in any place except that particular neighbourhood, and it was not aimed at political but at agrarian offences. It was intended to prevent any of those crimes which had caused the appointment of the Committee, and which had occurred in such numbers that the Government of the day were obliged to apply to the House for a Committee to take evidence. The result of the evidence was to satisfy the Committee and the House that they could not cope with the Riband organization without some such powers as those which the Act conferred. The Act provided that when the Lord Lieutenant had reasonable cause to suspect a member of the Riband Society, he should have power by warrant to imprison him. Parliament had confidence that this power

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would be used by the Lord Lieutenant with care and caution. He (the Attorney General for Ireland) took upon himself to say, although strongly differing from the noble Earl in political opinions, that no one ever held the office of Lord Lieutenant of Ireland who more conscientiously discharged all those public duties connected with the Executive Government than Earl Spencer. The proceedings in this particular case were not left to a subordinate officer, for he had the means of satisfying himself that Earl Spencer exercised his own judgment in this case. The whole question resolved itself into this—would the House place confidence in the Lord Lieutenant or not? The last Parliament had decided this question in the affirmative, and had given the Lord Lieutenant power to apprehend and imprison in certain cases any individual who was suspected of taking part in a Riband conspiracy. To publish the Papers on which these proceedings were founded would be to hold up to terrorism and imperil the lives of those informants who had supplied the knowledge on which the Lord Lieutenant had acted. Earl Spencer had not taken this step except under the strongest and most rigid necessity, and with the belief that there were good reasons for apprehending and detaining this man. No application had been made by the prisoner or on his behalf until the matter was brought before the House of Commons. He would admit that in cases where the detention was prolonged the circumstances required to be re-investigated from time to time to see whether the prisoner might not be discharged. His detention, however, had been the act of a nobleman of singular humanity, sense of justice, and attention to the business of the Executive; and if the House passed a censure upon Earl Spencer, it would be a censure not upon the Lord Lieutenant, but really upon the Act of Parliament under which he had acted. He was willing that the present Government should be judged by anything they did; but he hoped the House would not take a course that would harass and fetter the Government by agreeing to this Motion. That would be, in effect, to say:—"We hold you answerable for the peace of Ireland, while we prevent you from using the very weapon with which you are armed to secure it."

SIR PATRICK O'BRIEN observed that, as a Member for a portion of the county to which the Act related, he was bound to express his opinion that the right hon. Gentleman the Chief Secretary for Ireland had not made a sufficient answer to the case of the hon. and learned Member for Limerick (Mr. Butt.) It had been stated by the Attorney General for Ireland that Earl Spencer knew the circumstances connected with this incarceration, and that he gave his personal attention to them. He would be the last person to say anything in disparagement of that noble Lord. But if such an argument were to be admitted it would amount to this—that so long as the administration of Irish affairs was in such hands there would be no need for the application of legal principles in that country. In one district of the King's County, the Barony of Kilcoursy, there was, in consequence of the unnecessary imposition of this statute, such a strong feeling against British rule that not even the Catholic clergy could grapple with it. No doubt this statute removed many of the difficulties in the way of the police, and considerably lessened their duties, but it was a poor way of governing. There was such deep-seated and wide-spread discontent at its existence, that last year, when the proposal was made for its renewal, his hon. and learned Colleague (Mr. Serjeant Sherlock) found it necessary to vote against the Motion. The Attorney General for Ireland had not made out any case against the proposal of his hon. and learned Friend the Member for Limerick. If the statements he had made in placing the Motion before the House were untrue, as had been suggested, then their untruth should be established, and that could only be done by the production of the several documents for which he had moved.

THE MARQUESS OF HARTINGTON agreed with the Chief Secretary for Ireland that it was impossible, for the reasons which he had stated, to give the information which was asked for by the hon. and learned Member for Limerick (Mr. Butt), and upon which the arrest of the prisoner was originally founded. No doubt to a very great extent the information upon which the Lord Lieutenant acted was derived from sworn evidence; but a good deal, too, must have been derived from other sources,

or the man would have been tried in the ordinary way. He trusted, however, that his right hon. Friend the Chief Secretary for Ireland would reconsider his determination, and at all events see his way to granting the first portion of this Motion. He thought it desirable that the House should know all that the prisoner's friends could say about the circumstances; and he ventured to ask the House not to accept as correct, without further information, all the particulars which had been given of the arrest and imprisonment of this man. He regretted very much that he had not noticed the Motion of his hon. and learned Friend on the Paper, because he had consequently had no opportunity of refreshing his memory as to the circumstances of the case, for which the late Government must, of course, be held solely responsible. He (the Marquess of Hartington) confirmed the statement of the Attorney General for Ireland that every case of this kind was made by the late Lord Lieutenant a subject of anxious consideration; and so far from acting, as the hon. and learned Gentleman seemed to think, upon the suspicion of a policeman or upon the ill-will or grudge of a magistrate, his noble Friend never acted in any case, not only of first committal but of re-consideration, without summoning from the neighbourhood every magistrate, police-officer, or other person who could afford any information on the subject. His hon. and learned Friend the Member for Sheffield (Mr. Roebuck) had asked whether Ireland was in so dangerous a state that a man ought to be imprisoned for years without a trial? He did not admit that Ireland was in a dangerous state at all; but there was no doubt that in certain limited districts the existence of a secret society did render life and property, to a certain extent, insecure; and when Parliament had placed in the hands of the Executive Government an engine such as this—power for the protection of life and property of individuals—he maintained the Lord Lieutenant would have been wanting in his duty if, by not exercising the great powers entrusted to him, loss of life had ensued in these districts. The mode in which his noble Friend carried the Act into effect was abundantly illustrated by the fact that when the present Government came into office they found only a few persons—if,

The Marquess of Hartington

indeed, the number exceeded one—imprisoned under the operation of its provisions. He hoped that his right hon. Friend would upon reconsideration see his way to grant copies of the affidavits asked for, the ruling of the Queen's Bench for a writ of habeas corpus, and the warrants issued by the Lord Lieutenant for the arrest of the party implicated.

MR. DISRAELI: I had the honour to be a Member of the Committee the evidence given before which led to the legislation in question. It revealed to us a state of ruthless anarchy, and it was the unanimous opinion of the Committee that there was a necessity for this legislation. I think myself that, whoever may be the Viceroy of Ireland, from whatever party he may be selected, the powers of that Act would be exercised by himself personally and with a sense of the deepest and most anxious responsibility; and therefore I must frankly state my conviction that if this affair were investigated there would be a general opinion that the powers of the Lord Lieutenant were exercised in a necessary manner. At the same time, after the expression of opinion on the part of the noble Lord the late Chief Secretary to the Lord Lieutenant, I certainly should not wish to refuse the production of any documents which may be fairly asked for. Of course, the position taken by my right hon. Friend the present Chief Secretary was very much influenced by a feeling of honourable political sentiment, of maintaining a course which had been followed by his Predecessor, and the justice and policy of which he approved. I could not, of course, under any circumstances, myself authorize the production of any sworn information; but so far as the preliminary papers, copies of affidavits, rulings of the Court, and copy of the warrant of the Lord Lieutenant are concerned, after the expression of opinion of the noble Lord the late Chief Secretary I certainly cannot decline to produce them.

MR. BUTT expressed his satisfaction at what had fallen from the Prime Minister, and would withdraw his Motion.

Motion, by leave, *withdrawn*.

Then—

Copies ordered, "of all Affidavits used on a Motion in the Queen's Bench in Ireland, made during last Term, for a writ of habeas corpus, in the case of Patrick Casey:"

"Of the Ruling of the Court upon such Motion:"

"Of the Warrant of the Lord Lieutenant originally issued for his arrest:"

"And, of all subsequent Warrants, if any, transferring or changing his custody."—(Mr. Butt.)

IMPRISONMENT OF MR. WHALLEY FOR CONTEMPT OF COURT.

MOTION FOR A SELECT COMMITTEE.

MR. WHALLEY rose to move that a Select Committee be appointed to consider and report to this House as to—

"The circumstances set forth in Petitions from the Electors and others of the City of Peterborough, on the 31st day of March and on the 24th day of April last, in relation to the fine and imprisonment of Mr. Whalley, a Member of this House, and others, for Contempt of Court, by the Court of Queens Bench; and whether any and what steps are requisite or expedient for defining or restraining the exercise of the powers assumed by Courts of Justice to inflict fine and imprisonment without trial by jury."

The hon. Member said, that the Petition, which was presented on the 31st of March, was signed by 1,658 persons, all with a few exceptions being electors of Peterborough; consequently as the number of signatures exceeded by above 500 those who recorded their votes for him at the recent election, it was obvious that it was not on personal grounds that they thus approached that House—the prayer of these Petitioners being that the circumstances under which he (Mr. Whalley) was fined and imprisoned be fully inquired into, and the authority and power of the Court of Queen's Bench or other Courts of Judicature to fine or imprison without trial by jury be so defined and restricted as to protect the liberty of Her Majesty's subjects and the right of freedom of speech and writing. This Petition was presented on the same day that the Committee of Privilege which had been appointed on the Motion of the Prime Minister made their Report, and was therefore not in time to be brought under their consideration. It was possible that if a Petition so signed had been brought before that Committee they might have been induced to enter into the circumstances under which the Court of Queen's Bench had in his case inflicted fine and imprisonment; but there were many reasons why, although that Committee did not think fit to enter into those circumstances, there should now be a further inquiry. The refer-

ence to that Committee was merely as to whether the Letter which had been addressed by the Lord Chief Justice to the Speaker, and by him read to the House, demanded further notice, and it was not incumbent on them nor, as they considered, were they called on to enter into any other circumstances than those which were set forth in that Letter. He had himself made no complaint of any Breach of Privilege, for the transaction had not in any way interfered with his attendance to his duties in that House; and having occurred in a previous Parliament, the Committee found in all these features a distinction between this case and those which were quoted in the Letter of the Lord Chief Justice—the cases of Mr. Lechmere Charlton and Mr. Long Wellesley. But because the Committee had not deemed it requisite to go into the circumstances so far as they related to the Privileges of that House, it did not follow that no inquiry thereon should take place; on the contrary, he submitted that the attention of the House was by this Committee distinctly directed to those circumstances by their publishing with their Report a written statement thereof, read to them by himself. In referring in their Report to this statement, they pointed out that notwithstanding that it was not relevant to the inquiry to which by the terms of reference they were restricted, they thought it right to publish it; and he was himself fully aware of that fact, and called their attention to it. He submitted that their having thus published his statement was in effect to call the attention of the House thereto. The House, therefore, had before it that statement, and he was prepared to accept the responsibility of every part of it. The House had also before it, as printed by the Petition Committee, the grounds on which his constituents demanded on their own behalf this further inquiry; and as to the statements contained in that Petition he also accepted the full responsibility of establishing every allegation therein. He had also to call the special attention of the House to a second Petition from his constituents, referred to in his Notice as having been presented on the 24th of April. This Petition was signed by only 12 of his constituents; but they acted in the character of a committee appointed by their fellow-citizens, and they were so

appointed unanimously at a public meeting, and their action had been approved, also unanimously at several public meetings. The prayer of this second Petition was as followed :—

"That inasmuch as the foregoing matters were deemed irrelevant to the question of privilege, your honourable House will be pleased to cause further inquiry to be made as to the circumstances of Mr. Whalley's fine and imprisonment, with a view to such redress and to such protection against the wrongful exercise of authority under the plea of contempt of Court as to your honourable House may seem to be called for."

MR. DENISON rose to Order. He submitted that as on the previous day the hon. Gentleman had expressed a desire, in deference to the opinion of the hon. Member for Walsall (Sir Charles Forster), Chairman of the Committee on Petitions, to withdraw that Petition, it was not now open to him to comment upon it.

MR. SPEAKER: The Petition was duly presented to the House, and was ordered to lie upon the Table in the usual manner. The document, having once been laid upon the Table of the House, could not be withdrawn without the formal sanction of the House. The hon. Member is, therefore, quite in Order in referring to it.

MR. WHALLEY: This second Petition had not been printed, and he therefore gave Notice to move the House that it should be, with a view to support the present Motion. His hon. Friend the Member for Walsall, the Chairman of the Petitions Committee, was good enough to call his attention to the paragraphs in this Petition, which in the opinion of the Committee, and according to their rules, prevented them from ordering it to be printed; and he considered it to be due to the Committee and to the House not to press his Motion for the publication of this Petition by printing it until the opportunity should have been afforded of proving or justifying its statements. Those paragraphs, however, presented, as it seemed to him, some of the grounds on which the inquiry that he asked was requisite; and it was therefore necessary that he should read them to the House. And in doing so, he begged to state that he accepted the full responsibility of justifying them, and of proving them, so far as concerned the facts stated therein.

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One of those paragraphs was as follows—

"That your Petitioners humbly submit that such fine and imprisonment is totally at variance with the law and Constitution of this country, and an assumption of authority by the Court wholly in excess of any authority possessed by them under the plea of contempt of Court or otherwise, and that the conduct of the Judges in that respect does demand the attention of your honourable House as a gross and unwarrantable violation of the law, by which no man can be fined or imprisoned without trial by jury."

Another paragraph, which appeared to the Committee to preclude publication, ran as followed—

"That Mr. Whalley did further, in the statement so published by the Committee of your honourable House, allege as the fact was that the Lord Chief Justice had himself taken such action and exercised such influence against the defendant in the Tichborne case as had called forth declarations and public protest in open Court by the defendant that the Lord Chief Justice was thereby disqualified, according to the usages of the Bench, to preside as one of the Judges on his trial, and that such declaration by the said defendant was not noticed by the Court when it was so made, or at any other time, otherwise than that he, the said defendant, was, by Mr. Justice Blackburn, who presided on that occasion, complimented on the propriety of his defence, and your petitioners humbly submit that, as well with reference to the complaint thus publicly made of partiality and prejudice on the part of the Lord Chief Justice against the said defendant, as of the other allegations made by Mr. Whalley in the statement so published by your Committee, the verdict of the Lord Chief Justice does demand the attention of your honourable House, and especially in respect of the exercise of authority in other cases besides that of Mr. Whalley of fine and imprisonment under the plea or pretence of contempt of Court, whereby all public discussion, either by speech or writing, was completely suppressed for more than a year in relation to the said trial, and the defendant was thereby deprived of the means of obtaining money necessary for his defence, and that about 200 witnesses, who but for want of money to pay expenses would have given evidence on his behalf, did not do so; and in other respects the defendant was thereby deprived by such unauthorized exercise of the power of fine and imprisonment for contempt of Court of a fair trial."

Such were the two paragraphs to which his attention had been drawn on reading this Petition of his constituents, not suitable for publication by the order of this House; and it might be quite right that such grave statements, and to some extent personal charges, should not be so published unless those who made them showed that they were justified, and especially until those who were af-

fectured thereby should have the opportunity of replying to and refuting them. As to establishing those statements and charges, he should not have presented this Petition, and still less have now read it to the House, did he not believe that he was in a position, on the part of those petitioners, fully to substantiate each part of their statement; and he ventured with the utmost confidence to state that if this Committee were granted, he should be able to do so. As to the Lord Chief Justice, of whom complaint was there made, he stated on a recent occasion in open Court that he could not condescend to reply to the imputation on his partiality made by such a man as the defendant. The question involved was whether the Lord Chief Justice did or did not exercise his influence against the defendant previous to the trial coming on—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after
Seven o'clock.

KERRY ELECTION.

Mr. Justice BARRY reported, That the Petition against the sitting Members for the County of Kerry had been withdrawn.

HOUSE OF COMMONS,

Wednesday, 13th May, 1874.

MINUTES.—PUBLIC BILLS—*Ordered*—*First Reading*—Cruelty to Animals Law Amendment (No. 2) * [104].

Second Reading—Household Franchise (Counties) [7], *put off*; Working Men's Dwellings* [22]; Innkeepers Liability [50], *debate adjourned*.

Withdrawn—Cruelty to Animals Law Amendment * [70].

CONTROVERTED ELECTIONS — BOROUGH OF POOLE.

MR. SPEAKER informed the House, that he had received from Mr. Justice Grove, one of the Judges for the time being for the Trial of Election Petitions in England, pursuant to the Parliamentary Elections Act, 1868, a Certificate and Report relating to the Election for the Borough of Poole. And the same was read, to the effect following :—

"I certify that at the conclusion of the said trial I determined that the said Charles Waring, being the Member whose Election and Return were complained of in the said Petition, was

not duly elected or returned, and that his Election and Return are void, on the grounds of corrupt promises by an agent, and of corrupt treating; and I do hereby certify in writing such my determination to you. That there is reason to believe that corrupt practices have extensively prevailed at the Election for the Borough of the Town and County of Poole to which the said Petition relates, but so far only as regards the offence of treating."

HOUSEHOLD FRANCHISE (COUNTIES)

BILL.—[BILL 7.]

(*Mr. Trevelyan, Mr. Osborne Morgan, Sir Robert Anstruther, The O'Donoghue*)

SECOND READING.

Order for Second Reading read.

MR. TREVELYAN, in moving that the Bill be now read the second time, said: On previous occasions, when I have had the honour of introducing this question to the House of Commons, it has been with a preface of apology which, as far as my own personal qualifications are concerned, I beg before this House most unfeignedly to renew. The contrast between the magnitude of the undertaking and the abilities of the Mover would be so marked as to have altogether deterred me from this task, were it not that the great reductions in the electoral qualification, both in town and country, which have taken place in recent years, carried into effect, as they ultimately were by the action of the Ministry, were originally introduced into Parliament, on their own responsibility, by Members whom no one ever accused of forwardness or presumption. I shall now proceed to state what the claims of our unrepresented rural population are, and if my statement can be made in any degree as clear as I promise it shall be brief, the intrinsic justice of those claims will be so evident, that there is some hope that hon. Gentlemen, in their conviction of the strength of the cause, will forget the weakness of the advocate. The main feature of this matter may be gathered into a single sentence. A great section of the population of this country stands, as compared to the rest of the nation, in a position of political inferiority, or rather, of political nullity, which is in theory unjust, and in practice is full of disadvantages of the gravest nature to the excluded portion of the community. As regards the theory, which some hon. Gentlemen would call the sentimental side of the question, if it were not for the authority which I am now about to quote,

I shall say nothing myself, but rely upon the opinions expressed by two leading statesmen. The present Lord Derby, in 1859, when speaking on behalf of the Reform Bill introduced by the Ministry of which he was a Member, said that without identity of suffrage we should always have dissatisfied classes; no measure that did not assimilate the county and borough franchise would stop agitation for further extension. And as on these occasions it is well to protect oneself from the glare of criticism under the shadow of great reputations, I will venture to refer to another and yet a loftier name. The present Prime Minister stated that, in order to terminate heart-burnings, and bring about a general and constant sympathy between the different portions of the constituent body, the Government project to recognize the principle of identity of suffrage between the counties and the towns. Sir, it is still fresh in the memories of most of us that the right hon. Members for Cambridge University and for Oxfordshire (Mr. Walpole and Mr. Henley), objected to this principle of identity of suffrage, and retired from the Cabinet because they did not feel justified in continuing to act with Colleagues who were warm and decided in its favour. If these two right hon. Gentlemen speak and vote against this Bill, every one will understand their conduct. They will be acting in accordance with convictions which 15 years ago induced them to take a step to which they owe in some degree the high estimation that they enjoy in all quarters of the House alike. But that the Prime Minister should oppose a measure introduced for the very purpose of terminating heart-burnings and bringing about a sympathy between the different portions of the constituency, is what, out of respect to his consistency—and I have sat too long in this House not to be aware how very real a quality that consistency is—I absolutely refuse to anticipate. But, unfortunately, there are indications that the Prime Minister has other objections to this Bill that augur ill for its speedy or easy passage through the House of Commons. The marked feature of his speaking during the past Recess was the frequency and cordiality with which he denounced both this measure and its promoters. Of the language of those denunciations I shall not complain to the House, which has a better use for its time than to spend it on what

is often a personal matter. Besides, it is hardly fair to comment too minutely in Parliament on words spoken before an indulgent and enthusiastic audience who are all of one way of thinking, during the progress or on the undoubted eve of a General Election. It is with the matter, and not the manner that we have to deal, and if the House will allow me to make the best reply in my power to the arguments which the Prime Minister has from time to time used to explain his opposition to the measure now under consideration, it will perhaps be found that the same operation will afford an opportunity for placing the arguments in favour of the Bill before hon. Gentlemen in the most compact and convenient form. The first objection of the Prime Minister is that the Bill is brought forward by a private Member. "I will say at once," he said, "that I will vote for no measure that is brought forward by some irresponsible individual;" and then he proceeds to express his disapprobation of those who "jump up in the House of Commons, and without the slightest responsibility, official or moral, make propositions which demand the consideration—the gravest consideration—of prolonged and protracted Cabinets, and all the responsibility attaching to experienced statesmen." Now, the adjective with which the right hon. Gentleman characterized the conduct of which he disapproved I shall not reproduce from these benches, and shall only say that it appeared to others besides the object of it, unworthy of one whose mind is such a fountain of copious and well-chosen epithets. I do not think it incumbent on me to undertake the vindication of private Members who press objects of legislation upon the House of Commons and the country. That vindication is written in the Statute Book of the United Kingdom and the Journals of this House itself—the Factory Acts, the abolition of the duty on Corn, the Reform Bill of 1832, the right hon. Gentleman's own Reform Bill of 1867, were all preceded by Bills and Resolutions introduced by unofficial Members, whom the right hon. Gentleman pronounces to be under no moral responsibility; but who, in the opinion of us all, are under the gravest responsibility as the chosen Representatives of a portion of our people. But if there ever was a measure which a private Member might confidently and legitimately take in hand, it is this, because

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the principles and the actual details of this Bill have over and over again been approved by the highest authorities on both sides of the House. For the principle of the identity of the county and borough suffrage, as I have shown, has been embodied in a Government Reform Bill as far back as 1859—to use the Prime Minister's own words—after the gravest consideration of a prolonged and protracted Cabinet, and all the responsibility attaching to experienced statesmen. That Cabinet was the one to which he belonged. Those statesmen were himself and his Colleagues. The doctrine which, before every audience which he has for the last six months addressed, and at every banquet or festival of any description over which he has presided, he has condemned as a crude and clap-trap proposition appeared half a generation ago under his own auspices. The other great principle of this Bill—that of household suffrage—can hardly be said to have been approved in a prolonged and protracted Cabinet, when we remember what we were permitted to know of the secret history of the Ministerial Councils in 1867; but still the sanction of both Houses of Parliament has been emphatically and deliberately given to the doctrine, that the population of a locality cannot be said to be represented until the head of every family has a vote. Relying on that sanction, the Gentlemen whose names are on the back of this Bill have not hesitated to come forward, knowing that if we all stand aside, the householder of the counties may learn by bitter experience how true it is that everybody's business is nobody's business, and may find himself without a spokesman to lay before Parliament his grievances and aspirations. I cannot believe that any new fangled theories against the propriety of unofficial Members undertaking to promote legislation, will find favour with a House of Commons which has shown such unusual consideration towards Bills in private hands, that our Wednesdays are likely to be more productive than during any Session in their recent Parliamentary experience. Nay, it is doubtful whether they will find favour with the right hon. Gentleman himself. If there is a measure now before the House which closely resembles this in its aim and in its character, it is the Bill of the hon. and learned Member for Marylebone (Mr. Forsyth), for the re-

moval of the electoral disabilities of women. Last Session that measure was in the hands of Mr. Jacob Bright. It was a sweeping measure—a comprehensive measure; it proposed to admit to the franchise great masses of persons between whom and the present electors there existed at least as great a difference as between the borough and county householders; it had been considered by no Cabinets; it had been endorsed by no statesmen acting under the responsibilities of office; and yet the right hon. Gentleman himself did not scruple to go into the Lobby in its favour. How, then, can he give it as a reason for voting against this Bill on the second reading that it is brought forward by a private Member? And now I come to an argument which is of all the most formidable, because its frequent employment by the ablest of our opponents on both sides of the House indicates that here is the position which they intend to take up in order to delay, and if possible to defeat, this measure. We are told that it is idle to approach the question of the county franchise unless we are prepared to remodel the entire representation of both Islands. Some hon. Gentlemen tell us that we must at once face the notion of electoral districts. Others will have nothing to say to a scheme that does not include a strong infusion of minority, or cumulative voting, or some modification of what it is now the fashion to call personal representation. But the supporters of this Bill assert that the grievance of our fellow-countrymen who are excluded from the franchise is so pressing, so unjust, and so perilous, that it may be remedied at once and by itself without any evil consequences that approach in magnitude the danger and inconvenience of its maintenance; and they assert likewise that it is an insufficient argument for indefinitely deferring this great and necessary reform that it may have to be accompanied by a rearrangement of representation which, when carried into effect with the moderation and caution that mark all political changes in this country, is in itself absolutely desirable. For holding these views we have been stigmatized as unstatesmanlike and impractical by the Prime Minister, by *The Times* newspaper, and, above all, by the eminent man who appears to possess in so large a measure the confidence and regard of those two great authorities—the Solicitor-

General of the late Administration. Sir, these epithets "unstatesmanlike" and "unpractical" are very alarming when they are heard for the first time, but they lose their terrors to those who have found by experience that five years hence the people who use them will be striving to appropriate to themselves the credit of the very measures which they are now denouncing. And let us look for a moment more closely into this word "unpractical" as applied to the question before us. The practical man is he whose prophecies come true, and the unpractical one whose prophecies are falsified. Our opponents say that we cannot lower the county franchise without casting in a new mould our entire representation. But it is impossible to study our political history without assuring oneself of two facts—that on the one hand the British Parliament will never at one time, and with one operation, alter completely and throughout, any main feature of our constitutional system; and that, on the other hand, a gross and crying injustice, when once vigorously attacked, cannot in this country permanently endure. And the deduction from these two facts is that—unless our methods of legislation are suddenly changed—of which I see no sign whatever—we shall secure the enfranchisement of the unrepresented half of our population, either in the shape of a measure of simple justice passed on its own merits, or accompanied by such a dose of redistribution as a Government can venture to prescribe or a Parliament to swallow. The ideas which I have been endeavouring to combat were put into a very tangible shape by the Prime Minister in a speech to a Glasgow public meeting, in the course of last November, in which he warned his hearers that the extension of the county franchise would unavoidably lead to the disenfranchisement of all boroughs under 40,000 inhabitants. And in his address during the last General Election, he enlarges on this view—

"The Conservative party," he says, "will hesitate before they sanction further legislation which will inevitably involve, among other considerable changes, the disenfranchisement of at least all boroughs in the Kingdom comprising less than 40,000 inhabitants."

In this document, issued nominally for the information of Buckinghamshire, but doubtless intended likewise for cir-

ulation among the boroughs of under 40,000 inhabitants, he forbids the identity of the county and borough franchise under the penalty of the disfranchisement of no less than 217 seats. This is an important announcement from the only Minister who ever proposed to make the two franchises identical. We turn back in our *Hansards* to 1859 with breathless interest and almost awe, to discover what gigantic machinery of disfranchisement it was by which the right hon. Gentleman, as a responsible Minister of the Crown, proposed to render possible the placing of the county and the borough electors on the same footing; but those feelings are converted into relief, not unmixed with astonishment, when we find that in his own Reform Bill he was satisfied with depriving 15 boroughs of their second Members, and transferring eight of those men to large counties, and seven to large towns. As the leader of the Opposition, he is not content with anything under 217 seats, while as leader of the House of Commons he did not even ask for the odd 17. Sir, I appeal from the right hon. Gentleman on the platform to the right hon. Gentleman on the Treasury Bench, and I ask him to recur to his ancient policy, and to take down this bugbear of boroughs under 40,000 inhabitants, with which he has been trying to frighten the country from the consideration of a measure which, when left to its own intrinsic merits, can be opposed by no argument founded on common sense, equity, or consistency. The right hon. Gentleman—and to his lasting credit be it spoken—himself has created a grievance so glaring, that it cannot but force itself upon the most unwilling eyes. By his Reform Bill of 1867 he gave every householder in the great majority of our towns a vote, or the prospect of a vote. To the householder in the counties he gave nothing but a sense of intolerable inequality. He induced Parliament to declare that in boroughs any man who could pay his rates and maintain his family by the labour of his hands, should have a voice in the Government of his country, and when this declaration had been made—when the notion of the dwelling and the vote had been indissolubly connected in the public mind—the Legislature then proceeds to deal with the county population by increasing, indeed, by some 25 or 30 per cent the number of

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electors of the class which already possessed the franchise, but refused to go beyond that point, and did not, intentionally and of design, extend the suffrage to a single member of the class which it was enfranchising by hundreds of thousands in the boroughs. And the result is that while on the one side of an imaginary line a man who has no ambition beyond doing his duty in the station where he finds himself, enjoys the full privileges of a citizen, his neighbour on the other side of the line must forego those privileges unless he raises himself into a higher grade of society—a grade more comfortable perhaps, but not necessarily more honourable—by efforts which you have no right to call upon him to make under such a grave penalty as that of civil disqualification. Do not let us meet the difficulty by assuming that one of these men is a townsman and the other is a rustic. Last year I had the honour of laying at length before the House a series of figures which led to the conclusion that there is a purely urban population of at least 3,000,000 outside the boundaries of our Parliamentary boroughs. These data have been submitted to a most competent departmental officer, who has pronounced the calculation as accurate as can be arrived at until we have a special investigation conducted by public authority. In Rotherham, Keighley, Accrington, Heywood, Doncaster, in all the suburbs of London, round all the boundaries of Manchester, Leeds, and Birmingham, you have 3,000,000 of people who are not countryfolk but townfolk in their habits and character, their circumstances and employments—in everything, in short, except in the possession of the ratepaying household suffrage. They are in the most extraordinary position of any population of any corner of the globe. They elect the municipal officers who manage their local finance, the school boards that superintend the education of their children, and the guardians who dispense the public charity of their districts. They attend lectures, frequent libraries, subscribe to chapels, mechanics' institutes, trade schools, benefit clubs, and co-operative stores, and yet they are excluded from the privilege of citizenship which every full-grown negro in the United States has already enjoyed for nearly 10 years. It was but the other year that the construction of a poli-

tical constitution for our fellow subjects in Canada was attracting the continued attention of the House and the Ministry. It was but the other day that the adoption of a new scheme of government by the Swiss people was justly treated by our press as an event of first-class interest and importance; and yet here at our own doors is a population larger than that of Switzerland and Canada, to whom year after year we refuse the very rudiments of a constitution, and will not even take the trouble to give them a reason for that refusal, because the only semblance or pretence of an argument on the merits which has ever been put forward does not apply to them—I mean the allegation that the agricultural labourer is the political inferior of the workman in the towns. Still the case of these people, hard as it is, is not the hardest; because they enjoy the benefits of indirect representation through men of their own class, who vote as householders in the boroughs. The small shopkeepers at Ealing or Brentford are in some sort represented by the ironworkers of Middlesbrough. But except the handful of his fellows who live in a few semi-rural boroughs like Midhurst and East Retford, who represents the hedger, the shepherd, and the ploughman? Up to last year, we were told that the sentiments and opinion of the labourer were adequately represented by the farmers, who voted in behalf of the entire agricultural interest. Will hon. Gentlemen use that argument now? At a time when the majority of two great classes of men are firmly persuaded—most erroneously, as all within these walls are well aware—that their interests are diametrically opposed to each other; when over a large and growing portion of one of our principal agricultural districts this supposed adversity has thrown these two classes into direct antagonism; will hon. Gentlemen say that it is wise, or safe, or just, that one of those classes should be left without any political rights whatever, and by a refinement of mockery should be told that they are supposed to be represented by the very farmers with whom they are in conflict? These poor people have given proof that they possess the very best of our national qualities. Under a grievous trial—and I am sure no one will deny that the inability to express their claims by legitimate means at a

time when their dearest interests are at stake is to men of our race the most grievous of all trials—they have been patient, temperate, considerate, loyal to order and to religion. Are these the sort of men whom the country gentlemen of England want to see in the hands of any agitator who can catch their ear? I know very well that some hon. Gentlemen with pockets full of newspapers will read passages which they will call incendiary, and will ask if we are to give a vote to the people for whose consumption this dangerous trash is published. The agricultural labourers do not write these articles, and I doubt whether even they read them. But if we refuse them the means of putting forward their wants and wishes by the legitimate and constitutional channel afforded by our representative system, we do not deserve to expect to keep them from relying for the redress of their grievances upon the tongues and pens of revolutionary scribblers, accountable to no colleagues, and to no constituency. During the period between the Reform Bills of 1832 and 1867, while factory and workshop Acts were being passed at the rate of one in every two years, for the protection of children in the towns, children in our rural districts were left with no guarantee against the effects of premature, prolonged, and unsuitable labour. Operatives in many great branches of industry were protected from the oppression of forced payment in kind; and yet Session follows Session, and no attempt is made to deal with the most deleterious and demoralizing form of truck. Six years have gone by since an effective law was passed, under which premises unfit for human habitation had to be made decent at the expense of the owner, but the people of our villages have no part in that law. The operation of the Artizans' and Labourers' Dwellings Act is confined to towns containing above 1,000 inhabitants; but are the miseries and the perils of bad drainage and defective house accommodation confined to such places? The Report of the Commission issued in 1869 can answer. Probably no class of men ever made pecuniary sacrifices for the sake of others approaching those which the landlords have suffered for those who live on their estates. But what a constituency requires of its Member is not liberality or kindness. So little are the bulk of our rural

population represented within these walls, that the labour movement in Warwickshire had actually broken out without any forewarning here that any special discontent existed in the agricultural districts. There is surely something alarming in the want of familiarity which Parliament displays with the opinions of such a large portion of our fellow countrymen. But to conclude, the Prime Minister tells us that any Government which deals with the county suffrage must make up its mind to arrest the progress of all other public business. He says that between 1852 and 1866, during several Parliaments, and under the auspices of several Premiers, much valuable time was wasted in protracted debates and angry party conflicts. But it is impossible to avoid asking who is responsible for all this waste? Manifestly and plainly, the right hon. Gentleman himself. I know there were many among the followers of Lord Palmerston and Lord Russell who were openly or secretly opposed to the lowering of the borough franchise, but there was not a moment during those 14 years at which, if the right hon. Gentleman had told us he was in favour of household suffrage in the boroughs, a single Session, or at most two, would have ended the controversy. And now, as then, the right hon. Gentleman has the matter in his own hands, with this double advantage, that there is very little public business to be arrested or delayed—for I cannot be so uncomplimentary as to believe that all our energies are required for the task of passing a Bill for allowing magistrates, instead of obliging them, to endorse licences; and while the party which the right hon. Gentleman leads was, on the whole, not much inclined to household suffrage in the boroughs, it is a very different matter with regard to the measure now before us. My hon. Friend the Member for Perthshire, whom I consider as a sort of representative of his countrymen among landed proprietors, informed his future constituents last January that the assimilation of the county and borough franchise could not be resisted on any intelligible principle; and that, I will venture to believe, unless this discussion tells us the contrary, is also the opinion of the landed proprietors of England. These people to whom we are now asked to extend

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the franchise do not, like the town householders, live under an educational and administrative system which hon. Gentlemen oppose only in part approve, and which, at any rate, they are unwilling to see extended to our rural districts. The Secretary for Ireland is averse to enlarging the franchise of a population which does not maintain an Established Church, and which is governed by land laws other than our own. That is not the case here. Our agricultural labourers inhabit cottages at a great and permanent loss of income to the landlords who have built them; their children are taught in schools which the landlords in great part maintain; their finance is managed most economically and conscientiously by justices, who are only their landlords under another name. You have brought them up in our own way, and what are they? They are not Socialists, they are not rebels at heart, not idlers, but sober, industrious heads of families—the stationary population of the country. Stationary they are now, but how long will that continue? Emigration agents are traversing our villages, offering man and wife £50 a-year, with board and lodging, in New Brunswick, and £60 in New Jersey or Delaware. The steerage fare to Boston by steamer is £6 6s.; and in a sailing vessel hardly £3 3s.; and appended to the foot of the prospectus hung up in our rural post offices, the agricultural labourer reads the announcement that in Canada and the United States he will enjoy equal electoral rights. Is it nothing that without the delay of a Session we should remove one, and that not the least potent of the inducements that are tempting away from our shores a part of our population which we cannot lose without most sincere apprehension and regret? Sir, in the hope that this is the last Wednesday which will see this question in non-official hands, I confidently commit to the judgment of the House a Bill which is not yet, and I trust never will be, a party measure.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. SALT, in moving an Amendment that the Bill be read a second time that day six months, said, that he opposed the Bill with much hesitation. The

hon. Member for the Border Burghs (Mr. Trevelyan) was a formidable opponent; he had great ability, he understood his subject, and he had a strong case; moreover, he was extremely skilful in concealing those points in which his argument was weak, and, where it was strong, in pushing his advantage to the utmost. The question of the county franchise came into some prominence two or three months ago. He had given it some consideration, and came to the conclusion that the question did not merely concern the electors of the county; it touched very nearly the interests of the constituencies of the boroughs. Therefore, as a borough Member, he wished to offer two or three remarks. The proposal of the hon. Member was extremely simple—it was also extremely plausible. He said it was an unequal thing that a householder residing in the county should not be in the same position with regard to the privilege of a vote as a householder who resided in the town; he stated, with perfect fairness and truth, that it was very possible two men might be living within a very short distance of each other, occupying the same social position, inhabiting houses of similar character, members of the same community, of equal intelligence, and having the same interest in the country, and yet, notwithstanding all this, the county householder did not possess a privilege which was enjoyed by the borough householder—the privilege of a vote. He conceded that there was an anomaly in this. He was prepared to show equal confidence in the county householder as in the town householder; he was also prepared to concede that very possibly, sooner or later, a Bill with the object which the hon. Mover had so much at heart would become law. But he wished to keep himself perfectly free to judge, when a fitting opportunity occurred, whether he should become at that time a supporter instead of an opponent of the measure. There were two reasons why he wished to postpone the passing of this Bill. First, he considered that the present time for passing such a measure was neither fitting nor convenient. He must call to the recollection of the House that within the comparatively short period of 40 years, two great Reform measures had been passed. But these measures had not passed without difficulty; great portions of many Sessions

had been occupied in their discussion; other measures, more or less necessary, had been delayed; parties had been disorganized; Ministers had been harassed; and the country thrown into anxiety and disquietude. He did not say the results produced by those measures were not amply sufficient to justify the time and trouble taken in their preparation and discussion; but it was not wise or prudent to make these efforts too often. Nothing showed greater weakness in a country than the constant tinkering and patching of its Constitution. The statesman who followed this course was like the man who, instead of remaining steadily at his work, was constantly looking about for some new tool. Then, again, he must remind the House that there were, at the present time, two great experimental measures on hand, of which they did not yet know fully the scope and effect. First there was the Reform Act of 1867-8. Since the Reform Act of 1867-8 there had been two General Elections. What was the result of the first, in 1868? The result was to send to that House a very large majority pledged to the support of a Radical Government, which was itself pledged to carry out certain important changes—changes which the hon. Mover was entitled to call salutary, but which he (Mr. Salt) was equally entitled to call violent. There had been another General Election under the auspices of the same Reform Act, and with what result? Again the constituencies had returned Members a large and decisive majority of whom were pledged to support a Government, not, like its predecessor, pledged to important changes, but, so far as he could judge at present, pledged only to silence and consideration. Here they had, under this Reform Act, two events exactly contrary in character; which of them did the hon. Mover approve? He was enamoured of Reform Bills, and applauded them for their potency to ameliorate many of the evils under which we laboured; so enamoured, indeed, was he of them that he now asked the House to enter upon a new measure of Reform. Which of these opposite results did he recognize as the voice of an enfranchised, and therefore enlightened people? But before entering on a new scheme of Reform, would it not be wise to allow a few years to pass away, to enable the country to arrive more de-

finately at the results of the Reform measures which had been so recently passed? There was another measure which had been passed of an experimental character—he meant the Ballot Act. It had been talked about for many years. It had always been promoted and considered as a Radical measure. At the last General Election it had come into active and important operation. What had been its results? The Radical measure had shown Conservative tendencies. Before passing other measures in the direction of Constitutional Reform, would it not be wise to ascertain more distinctly the scope and effects of that Act? The hon. Gentlemen, who were the parents of that measure, had no doubt watched the conduct of their full-grown offspring with sorrow and grief. They had already a Committee sitting upstairs with a view to effect certain changes in it. He therefore thought they should wait a little before they entered upon a new field of change. One of the Petitions presented by the hon. Mover, from Alton, in Hampshire, not only prayed for the passing of this Bill, but also for what they called “a thorough redistribution of seats.” They were therefore brought face to face with questions of the gravest magnitude, and he had a right to ask on what principle the redistribution of seats was to be carried out. Were they to enter on the dull monotony of electoral districts? Were they to disfranchise every town with less than 15,000, or 20,000, or 30,000 inhabitants? If so, they must remember that from time to time, as trade or circumstances varied, some towns decayed and others increased. Were they, then, to pass a Reform Bill every year or every decade, in order that they might remedy any inequality, and take care that the towns enfranchised had the exact number they had fixed upon as the limit of direct representation? How would that affect the constituency of the borough he had the honour to represent? He did not speak for them selfishly—they would be ready to make any sacrifice if clearly proved to be for the public good; but they did not wish to perform “the happy despatch” without cause shown. With a constituency of 15,000—the borough he had the honour to represent (Stafford) had for 600 years returned two Members. These Members were charged to protect the

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honour and the interests of their town. They were imbued with something of the character and the energy of the people whom they represented; and this was the case with many other boroughs. So a Parliament was composed of varied elements, and of a mixed character—a circumstance which had contributed much to its success. Were we now to change the most important principles of our representation. He did not, as some hon. Members had on a former occasion, complain that the hon. Member was introducing a Bill that could not pass; on the contrary, he considered those discussions as very useful. He was always glad to listen to the eloquence of the hon. Member. If those discussions ultimately led to the adoption of the proposals that the hon. Member had so much at heart, in a way satisfactory and beneficial to the country, he, for one, should be satisfied. On the other hand, these discussions might tend to show to persons outside, as well as inside the House, that, though there might be anomalies in our representative system, yet, even these anomalies were less evils than the uncertainties and risks of a fresh change, and the loss of our old principles. It was on these two grounds that he opposed this Bill—first, the time for its discussion was not fitting or convenient; and, secondly, its results were uncertain and unascertained. He would, in conclusion, move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”—(*Mr. Salt.*)

MR. BURT: With the permission of the House, I should like to say a very few words on this question. I would like to point out to the House that, whatever may be the case in other parts of the country, so far as the miners and working men of the North of England are concerned, they feel a very deep interest in the subject, and great dissatisfaction is felt at the present distinction between the borough and county franchise. In the two northern counties of Durham and Northumberland there are about 50,000 adult miners. Of that number not more than 5,000 are voters; yet the 45,000 who are not voters are placed, in most re-

spects, under entirely similar conditions to those who have votes. They occupy the same kind of houses, they follow the same kind of employment, and their social status and educational position are alike; they are, in fact, to all intents and purposes, the same class of men, and they naturally feel considerable dissatisfaction that a certain number of them possess the right to vote and that others should be excluded from that right. The borough that I represent (Morpeth) affords a more striking proof of this distinction than can be found in any other part of the country. The borough of Morpeth extends about 10 miles, and is bounded by Morpeth on the one side, and Blyth on the other. It goes through the chief part of the Northumberland coalfield; it embraces some of the largest collieries in the county, and very large bodies of colliers are excluded from the franchise simply from the fact that they live beyond—it may be a few yards—a privileged line. Now, Sir, the miners of Northumberland are a settled community—they seldom remove out of the county. They do remove frequently from one colliery to another. Hence this state of things arises—a man may possess a vote one day, and if he removes a few hundred yards he may lose his vote, just as much as if he went out of the country or to the Antipodes. We have this state of things also. Two men may be working—and they frequently are working—in the same pit and at the same place as “mates,” and one of those men may have a vote and the other may not. Their position in every other respect is identical. They are occupying the same sort of house, and they are in exactly the same positions, only that one lives beyond an “imaginary line,” as the hon. Member for the Border Burghs (Mr. Trevelyan) called it. Now, Sir, I cannot conceive anything that tends more to create dissatisfaction than invidious distinctions between class and class; but still more is that the case when distinctions are made between members of the same class—and I cannot command language strong enough to impress the House with the extreme dissatisfaction that exists on the part of those men on account of the anomalous position in which they are placed. I have heard a great deal about the danger of admitting so large a number of comparatively uneducated men to the franchise. Sir, I

believe that the danger lies in excluding them, and there is nothing that is doing more at the present time to alienate the sympathies and the affections of the best and most intelligent of the working classes than these invidious and unnecessary distinctions, founded, as they are, on no principle of reason or common sense. I shall not trouble the House with many further remarks; but I have heard it said since I came into this House, and by many persons outside of it, that there is a difficulty in getting the best portion of the working men to join the Army and the Militia. Well, Sir, I am secretary of a very large working men's association consisting of 1,800 members, and more than once this very question has been under discussion, and resolutions have been passed to the effect that they will continue to refuse to join the Militia until they are recognized by the State as citizens of the country. They say, "Why should we fight for the country that either dare not or will not trust or will not recognize us by giving us those common rights which are afforded to working men in other countries, where the people are not more law-abiding than we of the United Kingdom?" Though I do not advocate this change from party considerations, it would be untrue to profess that I am entirely indifferent to the result it might have on parties. I may say that, so far as the North of England is concerned, I think that it is probable that it would not weaken the Liberal party to give the working men votes. But the northern counties are not the whole of England; and if we may judge from what has taken place hitherto, the extension of the franchise has not always resulted in the strengthening of the Liberal party. I beg to thank the House very much for the attention with which hon. Members have listened to me.

MR. NEWDEGATE: The hon. Member for the Border Burghs (Mr. Trevelyan) has vindicated his position; he is the disciple of a distinguished school whose motto is—

"The Constitution is intended
For nothing else but to be mended."

So effective have been the arguments of the hon. Member, and of his Colleagues who entertain the same opinions, that, as has been stated by the hon. Member for Morpeth (Mr. Burt), they have con-

vinced the colliers in the North of England that they are not citizens of the State in any sense of the word, and are therefore in no sense bound to take any part in the defence of the country, by joining the Militia or otherwise. I congratulate the hon. Member on the impression he has produced. The hon. Members exertions, and those of his friends, will probably be fraught with the most important results. They are determined to break up the framework of the Constitution of this country. I believe that the result of the measure which the hon. Gentleman has advocated and the result of this further step would eventually be, that the form of government in this country must either become a Republic or a despotism. I do not think we shall have a Republic; that would be inconsistent with the proud consciousness of the nation that this is the centre of an Empire. Now, that is my firm conviction. But I am not going to desert this country; I am one of the *adscripti glebe*. My forefathers have been here these 600 or 700 years, and I shall stick to the old ship, although I doubt whether I shall be quite so loyal a subject under a despotism as I am under the present form of Government. I wish to call the attention of the hon. Member for the Border Burghs to this fact—that he and his friends, who have promoted the agitation which he has so justly described, have had the happy effect of producing great discontent in Lincolnshire, where the labourers have always been paid at a higher rate than in any other part of England. So long as the exertions of the agitation in my own county (Warwickshire) were directed only to the equalization of wages, not one word did I ever utter in objection to their object. But when Mr. Arch attended a meeting in Exeter Hall, which was presided over by an hon. Member of the House, and there made exaggerated statements with respect to the condition of the labourers in Lincolnshire, which I knew to be untrue, and was supported by Dr. Manning in a revolutionary speech, I at once saw that the true character of the agitation was coming out. I, who had countenanced the movement for a rise of wages in the southern division of Warwickshire, informed my neighbours that I was no party, and would be no party, to such revolutionary objects. Dr. Manning and

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his followers see further than the labouring classes of this country, and apparently further than the hon. Members who undertake to represent them. Dr. Manning has published his opinion, that no man who really loves his country can desire that it should remain the centre of an Empire. That is a wider view than that which has been presented to the labouring classes. The expression of it was addressed to an Irish Ultramontane Bishop by an Ultramontane Archbishop, who calls himself an Englishman. It was not intended for the labouring classes, who know that they can reach wide countries still under English law, and under the influence of the freedom generated here. So long as this country is the centre of an Empire, so long as the Constitution is what it has been, they find their way to the Colonies, where they find connections attached to the same form of Government, and they have no sympathy with the opinions that are transmitted from one Ultramontane in England to another Ultramontane in Ireland. What I say is true, and it is time that the eyes of the operative classes should be opened. I am far from saying that the agitation, which has enlisted the sympathy of the hon. Member for the Border Burghs, is not likely to be fraught with great consequences. If household suffrage is to be established in counties, I do not believe that the lowering of the franchise will rest there. On the contrary, I am convinced, that we shall come to manhood suffrage. I believe that very likely we shall not stop there. I believe that we shall pass the limits assigned by the people of the United States, and enfranchise the women, and I am convinced that the result of that change must be the establishment of a Republic or of a despotic form of Government. If this country were to become a Republic, she could not continue to be the centre of an Empire, and Dr. Manning's aspirations would be carried out. I wish hon. Members to look a little beyond their noses, and to understand that Members of this House are bound to look further than the mere delegates of popular assemblies; and that when they pass measure after measure in a particular direction, tending to what I have described, they disgrace their position unless they foresee the consequences of what they are doing,

the direction of the measures they support. It is my intention to vote against the second reading of the Bill now, since five years hence we shall have to consider whether the system of secret voting has proved a beneficial change. The change which has been effected by the system of secret voting is this—that whereas under open voting each elector was a trustee for his neighbours, by the system of secret voting the vote becomes the property of the voter as an individual, for the use of which he is responsible to no one; and when you once shall have established that principle—that a vote is a property and not a trust permanently—the arguments addressed to the House by the hon. Member for the Border Burghs become irresistible, for everyone has a right to say—“Why am I not to have this property as well as others?” and no arguments as to his being qualified, or the reverse, to act as trustee are applicable. I believe that this forms the strength of the present movement—a movement which will not be restricted to the measure now before the House, but must continue to be valid against every limitation of the franchise you may attempt to assign, since the fact that the vote is secret and a property must render every limitation of the franchise arbitrary. Believing this, I wish to defer the solution of these great questions until Parliament shall have reconsidered that most radical of all changes—the radical change which I think the House was misled into adopting, when it sanctioned the principle of secret instead of open voting. I shall, therefore, vote against this measure being now taken into further consideration.

MR. CAMPBELL - BANNERMAN said, he could not believe that the hon. Gentleman the Member for North Warwickshire truly represented the feelings of any large number of Members in that House, and he must therefore decline to follow him through all those portentous consequences which he predicted would follow from the adoption of this measure. On the other hand, the hon. Member for Stafford (Mr. Salt) represented generally the feelings of a number of Members on the opposite side of the House, and he had admitted at once the strength of the case in favour of this Bill. He said that the provisions of the Bill were certain to be carried, and the

arguments he urged were solely, or mainly, addressed to the time which had been chosen for bringing the Bill forward. He (Mr. Campbell-Bannerman) remembered that last year, when his hon. Friend the Member for the Border Burghs (Mr. Trevelyan) introduced his Bill, he was attacked for bringing it in at the end of the Session, when Parliament was exhausted with work, and when there was so much business on the Paper. That certainly could not be said on the present occasion. They had a new Parliament, a House of Commons with not too much to do, and if ever there was a time suited for the discussion of a measure such as this, he thought it was that which his hon. Friend had chosen. The hon. Member for Stafford (Mr. Salt) had alleged one objection to the Bill which he could not admit to have any force—that it would have the effect of harassing the Ministry. It appeared to him (Mr. Campbell-Bannerman) that Ministers, unlike trades, were made to be harassed, and if they were not harassed it was only because the House of Commons, or they themselves, were not properly discharging their duties. The Bill had this peculiarity, that the burden of the case lay, not upon those who were the advocates of a uniform suffrage in town and country, but rather upon those who would maintain the present unequal system. Now, it was one of the most remarkable and absurd features in the public system of this country, that there should be this great distinction between town and country. No such distinction existed in any other constitutional system—or in any country, in fact, with which they cared to institute a comparison; and unless it could be shown that the distinction was essential, that it was founded on reason, or that it was beneficial, he submitted that they ought to welcome the proposal in his hon. Friend's Bill as a step at least towards its removal. He said a step towards the removal of the distinction, for it should be observed that the irregularity of the suffrage was not the only difference between town and country. What did they find in their towns? They found every householder with a vote for the purpose of Imperial Government; but, besides that, they had an independent community managing its own affairs, electing its own officers, imposing its own taxation, and sharing amongst all its mem-

bers the responsibility of its public life. But let them step across the boundary—and generally it was an arbitrary boundary—which divided the borough or municipality from the county, and it was not too much to say that, so far as the forms of government were concerned, they stepped at once from the Nineteenth Century into the Middle Ages. In the first place, they had there a franchise which shut out from all direct interest in national affairs the humbler householders; and, in the second place, they had the local interests of all entrusted to a body of irresponsible persons nominated by the Crown, while the great mass of the ratepayers, and of those inhabitants who might not be ratepayers, had no voice whatever in matters intimately affecting their welfare. Now, he believed that if they agreed about one thing more than another, it was the advantage of representative institutions; and this advantage was not confined to maintaining independence and the free exercise of rights, but there was also this benefit—that a spirit of self-reliance was inspired and cultivated in those who lived under those institutions. The hon. Member for Stafford himself, in objecting to the disfranchisement, as he called it, which would necessarily follow the adoption of the measure—that was to say, turning certain boroughs into county constituencies—based his objection on this very ground—that owing to the municipal independence of the borough of Stafford, its inhabitants had a tone which was superior, he presumed, to that of their county neighbours. So that he (Mr. Campbell-Bannerman) submitted to the House that the anomaly which he had pointed out was not a merely theoretical anomaly, but was an active cause of mischief. The whole machinery and framework of government in the country districts was obsolete, and out of keeping with the principle upon which the Imperial Government was conducted; and if it worked in some instances well—and he admitted that in some respects it did work well—it was because it was penetrated, to a great extent, in spite of itself, by better ideas, more in harmony with modern notions of government. Of course, that was the general question between town and country, and this Bill only dealt with one part of the difference between them. The hon. Member for

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the Border Burghs had alluded to the debate of 1859, when the Government of Lord Derby brought in a Bill establishing identity of suffrage, and when it was alleged by those who opposed the Reform Bill of the Government of that day, that this variety of suffrage was a principle of the Constitution. He had often seen this asserted in constitutional text-books and elsewhere, but he had failed to discover that in the real and common sense of the word there was any such principle involved; but if there ever was such a principle, it was surely definitively abandoned in 1832, when the occupier in counties was admitted to the right to vote. In fact it would be a waste of time to go over the arguments in favour of identity of suffrage, for he need only refer to the speeches of the right hon. Gentleman at the head of the Government, of the present Chancellor of the Exchequer, and of the present Foreign Minister, in order that hon. Members might see how completely the arguments against identity could be demolished. Now, who were those who would be enfranchised if the Bill were to pass? In the first place, there was a great body of householders in the counties who were practically of the same class in society, exercising the same trades, and having interests identically the same with the householders who had votes in towns. There would be no question, he believed, on either side of the House, that it would be desirable to give those urban elements in the counties votes, so long as by doing so they did not injuriously affect the interests of others. But it was alleged that if they enfranchised the urban householders in the counties, they should swamp what was called the agricultural interest—that was to say, the purely agricultural voters would be outnumbered and overwhelmed in very many cases—and that was regarded as an evil against which it was desirable that the House of Commons should protect the agricultural districts. It had often been urged that certain interests should be represented artificially in the House, and proposals had been made to give Members to the Inns of Court, the Colleges of Physicians and Surgeons, Chambers of Commerce, and so forth, with a view to do this; but he thought the House was now agreed that it was better to leave the general interests of the

country to find their own level amongst themselves, being perfectly certain that they would secure due representation in this House, and that their centre of gravity would certainly and naturally change according as the elements composing them rose and fell in importance. But it might be contended, forsooth, that this peculiar trade of the cultivation of the soil should be selected from amongst all the other industries of the country, and treated exceptionally in this matter. He was at a loss to see what reason could be urged for so treating it—he was at a loss to see what mystical virtue there was in the cultivation of the soil which should entitle it to be treated differently from any other trade, and even if it were possible to do so, he submitted to the House that it would be disadvantageous, inasmuch as whenever agriculture, or what was called the country interest, had been treated exceptionally hitherto, it had been to its own injury as well as to that of others, because it had created an artificial antagonism for which in reality there was no just foundation. But when it was said that they should protect the agricultural interest from being swamped, he would ask the House to consider what the agricultural interest was, and whether they should be taking away from it anything which it at present had. Was the agricultural interest represented at present? They all knew that the opinions of landowners and of the tenant-farmers were directly collected in the House; but what hon. Member could say that he spoke on behalf of the agricultural labourers, who, after all, had the largest share in what was called the agricultural interest? There was no argument which could be adduced in favour of enfranchising workmen in towns that was not equally applicable to workmen in the country. Their occupation might be different, the one producing corn and beef, and the other dealing in iron and cloth; but there was no real difference between them, unless it were that the agricultural labourer was not fit to exercise the franchise. Now, so far as fitness to exercise the franchise was concerned—meaning thereby independence and intelligence—he denied this allegation altogether so far as his Scotch countrymen were concerned. The Scotch peasant was as well educated, as thoroughly independent, and every

whit as well qualified to discharge the duties of citizenship, as his fellows in the town. But when they came to England—and especially the South of England—it was quite possible that there might be a lack of intelligence and independence. If there was such a lack of independence why did it exist? They had had the English peasant for all these years under the patriarchal system to which he had alluded, and if now the taint of servility was upon him, what better hope could there be of removing it than by applying to him the better system which had had happier results in the towns, and in arousing in him an interest in matters beyond his own immediate affairs, and raising his self-respect, by teaching him that he counted for something in the community in which he lived? Then it was alleged that he lacked intelligence. Well, this had been denied. His right hon. Friend the Member for Bradford (Mr. W. E. Forster) than whom there was no better authority, had stated that he did not believe that the average of education was lower in the country districts than in the towns. But, after all, if the averages were equal, considering the great masses in towns which had hitherto been unreclaimed by any educational influence, we must conclude that the education in the counties where the people were so much more accessible must be inferior to that of the towns—inferior in quality, though, perhaps, more widely spread. But if such were the case, what a satire was this upon the system of education pursued in the country districts—a system said to be so valuable that we were called upon carefully to protect it from the approach of school boards, with their ignoble strife, their popular elections, and their compulsory rules, and what a powerful argument it furnished to his hon. Friend the Member for Birmingham (Mr. Dixon), if the upshot of all the efforts of the Church of England and of all the money that had been expended upon her schools was that the population of the rural districts were reckoned to be unworthy to exercise a trust which was willingly and safely given to those in towns! But instead of finding in this unfitness an argument for opposing the Bill, he found in it an argument directly the other way. There was no surer or straighter road to education than en-

franchisement. If they conferred the right to vote on the peasants, they might depend upon it that two things would follow. In the first place, the higher ranks of society, who had it in their power to do so, would encourage the peasant to give his children a much higher standard of education, and they might even endeavour to get them to reach that inaccessible pinnacle of the Fifth Standard, so very difficult at present to attain. And also there would be an effect upon the peasant himself, when he found he was called upon to pronounce an opinion upon matters of public interest, and he would be the first to claim for his children a better education, in order that they might be qualified to exercise intelligently that right. He thought the House was indebted to his hon. Friend for bringing in this measure, and he trusted that a very small section indeed of the House would oppose it.

Mr. MACDONALD asked the indulgence of the House while he stated some reasons for supporting the Bill of the hon. Gentleman. Before he did so, however, he thought it just to the House to reply to what he thought was implied by a statement made by his hon. Colleague (Mr. Salt.) In speaking of the borough of Stafford, he called it "his" borough. Now he (Mr. Macdonald) protested against the use of language of that description. The fact was simply this—there was a joint occupancy of that borough, and his hon. Colleague was not justified in calling it "his" borough. He further desired to say that he had taken the opinion of the constituency on this question—and he was not aware that his hon. Colleague had done so—and the decision of the constituency had been most heartily in favour of extending to the counties the franchise it enjoyed itself. It was said that this was not a fitting time for the passing of a Bill of this kind. To his mind it was a most opportune time, because they had in hand really no question of great interest to the country, and there was a very strong feeling throughout the entire country in favour of this step. During the course of last year it was his privilege to attend large meetings in the county of Durham, in the county of Northumberland, in the county of Stafford, in Yorkshire, in Scotland, and in Cumberland. At all these meetings

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there was a pronounced declaration in favour of the extension of the franchise to the counties. He wanted to know if they were to wait till the great body of the people that were unenfranchised were to make greater demonstrations than they had done? If they were, he would tell the House what the delay of of this measure would do—it would create an amount of feeling that he had no desire whatever to see. What was taking place at the present time? For many years the great trade organizations of the country were conducted for trade purposes, and trade purposes alone; but the inequality that existed between the position of the inhabitants of boroughs and the inhabitants of counties was drifting these great organizations into political organizations, and they would wield for the future, for political purposes, the power they had hitherto wielded for trade purposes. He should deplore to see this:—and did not use these words with a view to alarm the House—he rather wished to point out that this, as a natural result, was what would take place. It had been said by certain timid politicians on the Liberal side of the House that if this measure was adopted it would lead to Conservative re-action and the adoption of Conservative principles. That was an unfair and an unjust way of arguing the question. They ought to do justice to the community in the counties, and place them upon an equal footing with their fellow-labourers in the towns; and he, for one, if Her Majesty's Government were to introduce and pass a measure of this kind, would not grudge them the occupancy of the Treasury benches for the next 10 years to come—because in doing a matter of right they would carry with them the great body of the people.

MR. R. E. PLUNKETT said, that nearly all hon. Members were agreed that this extension of the franchise must be made and the only point on which they were not agreed was, as to the right time for doing it. It was urged by the hon. Member for Stafford (Mr. Salt) in favour of postponing the measure now under discussion, that we had now in hand two great constitutional experiments—namely, the extension of the franchise under the Reform Act of 1867-8, and the Ballot Act of 1872. But were we not, in fact, trying a very much larger experiment in the Education Act? He

thought the consideration that ought to determine Members' votes to-night was whether more time ought not to be given to see the working of the Education Act before they proceeded to upset the existing constituencies of the country. It was only within a few days that they had heard from the Report of an Election Judge that even voters in towns voted, not on considerations of principle, but "blue" or "yellow" as the case might be, without the slightest care or knowledge what policy was represented by those colours. Surely if there could be found under the present system voters so ignorant, it was scarcely advisable to adopt a measure which must inevitably swell their number and increase the unreasoning vote. It had been said that the shepherd was not represented in that House. Well, if that were so, they had ample and recent proof that sheep-dogs were not unrepresented. But he would ask whether any county Member on either side of the House believed that he was doing his duty in confining his efforts to the interests of those only who could vote for him at the next election. For his own part, he believed that they as anxiously looked after the welfare of those who did not bother them with deputations as after those who were more noisy. He believed, too, that none watched those interests so carefully as hon. Members who were sent unpledged to Parliament. The Prime Minister had formerly said, that if the county franchise were assimilated to the borough franchise it would return so large a Conservative majority that he would not know what to do with it. In that opinion he (Mr. Plunkett) concurred—but he did not think the class that would be thus enfranchised would prove a dangerous class. To his notion a considerable amount of suspicion attached to this cry of the intense desire of the agricultural districts for this measure—he believed in point of fact that the agricultural population did not care for the franchise. In America, which was often pointed out to them by hon. Gentlemen opposite, they found that large masses of voters abstained from the poll altogether, and that election matters were to a great extent managed by wire-pullers. In England they had been obliged to let it be legal to convey the voters to the polling places for county elections—he believed there was not a

county Member in the House who had not done it. He looked upon this as a kind of bribery, but it was done simply because otherwise the voters would not go to the poll at all; and out of the many thousands of persons with whom he had been brought in contact in the course of the recent election he had found very few who asked for this extension of the franchise. He looked, therefore, with some suspicion on the statement that there was a great desire for this measure. He did, however, believe, with the hon. Member for Morpeth (Mr. Burt) that the miners were anxious to possess the franchise, and he should be glad to see them have it. But if they granted the franchise to the miners, and the protection of the Ballot was removed it would be merely conferring increased electoral power on the masters, and under the present circumstances it would be lodging the same power in the hands of the Trades' Unions. These were the two difficulties they had to steer clear of. The anomalies which had been referred to were such as always must exist under any state of things, but they were not of much more force than the argument that this measure ought to be carried because it was intrinsically good. A man might acknowledge, for instance, that marriage was intrinsically good, and yet he might deny that it would be good for him to marry to-morrow. The question had been discussed too much on the ground of the wishes of individuals, too little on the ground of public expediency. What they had to do was to look at the effect of such a proposal on the country, and to adopt it only when its advantages to the individual and to the country were found to correspond.

MR. E. NOEL said, he hoped the House would extend to him the kind consideration which they usually afforded to a new Member. The only arguments they had hitherto heard in opposition to the Bill had related chiefly to the question of delay—they were asked to delay the measure; they were told that the time for it had not yet come. He thought, however, that this argument had little relevancy to the question really before them. Hon. Gentlemen opposite had maintained that the results of the elections had told them they were elected to support a Government whose chief functions were those of

silence and consideration; and it was said that there was no reason at this moment for extending the franchise which was given to the boroughs by the Bill of 1867-8. He presumed, therefore, that it was feared that should a similar extension be given to the counties, that silence would become permanent, and that consideration so prolonged that the country would sink into eternal slumber. He did not think that would be the case. The question of delay appeared to him to be hardly one which they need ask themselves at the present moment. The right hon. Gentleman at the head of Her Majesty's Government in 1867, in bringing forward the Act for the extension of the franchise in boroughs, made use of words which he believed he was in Order in quoting to the House. Referring to a Resolution which that House had passed, the right hon. Gentleman said that—

“The being rated to the poor and the paying of the rates constituted a fair assurance that the man who fulfilled those conditions was unlikely to be characterised by regularity of life and general trustworthiness of conduct.—[3 *Hansard*, clxxxvi. 10.]

That was a principle which in that House ought not to be lost sight of. And why should not the same test be applicable to those whom it was now proposed to enfranchise? Three classes of persons would be enfranchised under this Bill—first, those who dwelt in the outskirts of parliamentary boroughs, who were frequently the most respectable of the working men, who had more consideration for the welfare of their families than for their own convenience; secondly, the householders of small towns that returned no Member to Parliament; and lastly there was the class which alone seemed to be present to the minds of those who advocated this measure—the agricultural labourers. Representing, as he did, a group of boroughs in Scotland (Dumfries, &c.), he would ask why the householders of Newbury should not have an equal right to vote with their neighbours of Andover? Why should the householders of Keighley, with a far larger population, not have the same privilege as their neighbours in Knaresborough? The real reason which caused hon. Gentlemen to oppose this Bill was that they did not consider the agricultural labourer fit for the franchise [“No, no.”] He

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was happy to hear that "No, no" from the opposite side, because if the agricultural labourer was not unfitted, then it was admitted that the last remaining argument against the Bill was disposed of; for if the rural householders were sufficiently qualified and sufficiently educated to be able to use the franchise as well as the voters in boroughs, what remaining argument could be used against the Bill? It might be said that there was no demand for this Bill, and that it was not called for by the country. He begged to differ from hon. Gentlemen who used that argument. He believed there was a great and decided call for this measure. It certainly had not reached the point of agitation and violence; but would any hon. Member say that no wise measure was to be passed in the House without being forced on by violence from outside? Was nothing to be granted because men did not come down and demand a particular measure from the House? It seemed to him that there was no argument so revolutionary as to say—"You must hold tumultuous public meetings and create sufficient disorder, and then we will grant you all you require." He knew it was said that the Bill would destroy the balance of representation—it was said that if they had many more voters, they would so disturb the balance that there must be a redistribution of seats. [*Ironical cheers.*] He was surprised to hear that from the opposite side of the House, for he remembered that for many years they had sat still under inequalities quite as large as any that might be created under the Bill of his hon. Friend. Let him remind them that two noble Lords now sitting on the Treasury Bench were in that position. One noble Lord (Viscount Barrington) represented a borough of 6,700 inhabitants, and the other noble Lord, the Member for Liverpool (Viscount Sandon), represented a constituency with a population of over 493,000, which was not less than 70 times that of the borough of Eye. Inequalities as great as that were in existence at this moment, and yet were looked upon as part of the Constitution of the country. Two other hon. Gentlemen sat on the benches opposite, one representing a town (Andover) with 7,100 inhabitants, and the other representing the large constituency of Marylebone, where there were 477,000, or nearly 60

times as great a population. Again, he might mention two other hon. Gentlemen also on the opposite side of the House, of whom one represented a borough (Knaresborough) with 5,200 inhabitants, whereas the hon. Member for Leeds represented a population of 257,000, or nearly 50 times the number. These inequalities did exist, and had existed for a long time, and he believed the hon. Gentlemen opposite were willing to allow them to remain with great equanimity. How, then, could it be otherwise than wrong to keep out persons who were perfectly qualified to use the franchise, simply because to admit them would cause inequality in the representation? Before he sat down, he would call the attention of the House to one single fact—that there were already in existence and enfranchised in some constituencies more agricultural labourers than would be enfranchised by this Bill. He regretted that he did not see on the Treasury Bench opposite the right hon. Gentleman who represented the constituency of New Shoreham (Mr. Cave), for he would have liked to have heard that right hon. Gentleman say how the Act of 1867 worked in that constituency. It might be said that was a borough and not a county. It was, in fact, an agricultural parish in the county of Sussex; and he would like the hon. Gentleman to inform the House if he did not think the other agricultural labourers of the county of Sussex might as well have the privilege of the franchise as those agricultural labourers whom he represented? The right hon. Gentleman at the head of the Government had had the honour of placing the borough franchise on a clear and intelligible principle. He had placed the borough franchise in a position which he (Mr. Noel) believed would remain as it now stood during the life-time of every hon. Member of the House. It would be a singularly high honour if the same right hon. Gentleman was to give to the counties a franchise based on the same clear and intelligible principle, which would have an equally lasting effect, giving to the Constitution of this country a strength which at this moment it did not possess; and elevating a large number of loyal subjects of Her Majesty, who at this time had certainly a grievance.

SIR EARDLEY WILMOT said, that having the honour to represent a county

(Warwickshire) in which great agitation prevailed among the agricultural labourers, he could not avoid making a few remarks on the subject before the House. It had been very moderately and ably introduced by the hon. Member and he heartily congratulated the hon. Gentleman upon it. As regarded the Bill under discussion, he could not concur in any measure which would remove the constitutional distinctions between the borough and county franchises, so as to place them on the same footing. The one franchise rested upon occupation, and the other upon property; and he entirely concurred in the views expressed by his hon. Friend the Member for North Warwickshire (Mr. Newdegate) with regard to the consequences that would result from the assimilation of the two franchises—namely, that it would lead to universal suffrage. He had lately gone through the agricultural districts of South Warwickshire, and had visited Stratford-on-Avon and Leamington—towns in the county which did not return Members to that House—and nowhere had he met with any desire for the placing of the county franchise on the same footing as the borough franchise. He admired the qualities of the working man, and desired measures for his elevation; but he regarded him as a prey at present to political agitators; and in any view he did not wish to see him placed in that House at the expense of every other class of the community—as would be the case if this Bill were passed. Education ought to precede enfranchisement, and not enfranchisement education, as had been urged by the hon. Member who had just spoken, and when the working man was educated he (Sir Eardley Wilmot) would be ready to support the proposal that he should be enfranchised. As to the borough householder, he admitted that when the right hon. Gentleman the Member for Buckinghamshire proposed to extend the franchise, as he had done by his Bill of 1867-8, he viewed his proposals with alarm—but he would now admit that the right hon. Gentleman had exhibited as much wisdom as courage in carrying out his plans.

CAPTAIN NOLAN believed that the passing of this measure would have a good effect in Ireland, because it would bring again within the pale of the Con-

stitution a large number of small holders who had been disfranchised some 30 or 40 years ago. He thought it of great importance that these unrepresented persons should be again brought within the pale of the Constitution.

MR. NEVILLE-GRENVILLE said, that the real truth was that hon. Members opposite wished for a Reform Bill every four or five years, whereas, neither the House nor the country was at all anxious for a measure of that kind every time the subject suited the interests of political agitators, or whenever the Whigs happened to be in adversity. He recollected that when the Reform Bill of 1832 was passed, the Whigs believed that they were in power a long time—indeed, it was said that one Member of Brookes's threw up his hat and said—“We are in for life;” whereupon he was corrected by another, who said—“We are in for ever;” and nothing more was heard about a fresh Reform Bill, until Sir Robert Peel came into office; and then the agitation for a fresh Reform Bill immediately commenced—and from that time to the present, agitations had been got up whenever the Liberals were in trouble. Hon. Members opposite did not seem to be aware that if this Bill were passed, there would be a necessity for an immediate re-distribution of seats. The question before the House was, not as to the fitness or the unfitness of the agricultural labourer for the franchise, but whether we should have a fresh Reform Bill when we had so recently passed the last one. In his opinion, Parliament should not again enter upon the question of Reform until it had settled many pressing social questions of the day. He could corroborate many previous speakers as to the indifference of the agricultural districts to this question. In his communications with his constituents he had never heard the question of the reduction of the county franchise broached; and most of the Petitions which had been presented had been got up by agitators. He was much obliged by the manner in which the hon. Member, in moving the second reading of this Bill, had acknowledged the efforts which were being made by the county Members to ameliorate the condition of their cottagers. The truth was, that the county Members were most anxious that their tenants should be well housed. All had not been done that was required,

Sir Eardley Wilmot

but still a great stride had been made in the right direction. The hon. Member, however, had not done sufficient justice to those members of the working classes who, by their own industry and with the assistance of building societies, had become the owners of their own dwellings, and had thus obtained a vote for the representation of their counties. He hoped that many years would pass before the House would again consider the question of Reform.

MR. W. E. FORSTER said, he must congratulate his hon. Friend the Member for the Border Burghs on the stage at which this question had arrived, and on the able manner in which he had brought forward a question, in which he took so deep an interest, and to the principle of which no valid objection had been brought forward on either side of the House. It was true that the hon. Member for North Warwickshire (Mr. Newdegate) had opposed the Bill on its principle on the ground that it would lead to either a Republic or a Despotism; but the House was aware that the hon. Member had always had a vision of that kind before him, except when he had the still more alarming vision of the presence of the Pope. With that exception the question had not been whether the rural householder should or should not have the franchise, but whether he should have it this year. It was true that another hon. Member for Warwickshire (Sir Eardley Wilmot) agreed with the other hon. Member that this extension of the franchise must lead to one of two fearful alternatives; but at the same time he admitted that, although he had at first thought that the step which was taken at the time of the last Reform Bill by the right hon. Gentleman at the head of the Government with regard to the borough franchise was a dangerous one, he now felt that the right hon. Gentleman had shown great wisdom and foresight in taking it. The House might, therefore, fairly ask the hon. Member not to be alarmed at the proposed extension of the principle to the county constituencies. However powerful might have been the speech of the hon. Member in moving the second reading of this Bill, the effect in favour of the measure was scarcely so powerful as that of the speech of the hon. Member for Stafford (Mr. Salt), who had opposed it. The hon. Member

had no fear of the extension proposed by the Bill itself—the only result the hon. Member appeared to dread was that if this Bill were passed, by some other Bill which might be passed at some future time the borough of Stafford might be disfranchised. The hon. Member stated that he opposed the Bill with the greatest hesitation, and that the Government was one pledged to silence and consideration. The House was well aware that the Government was a very considering Government; but surely some advantage should come from all this consideration? The hon. Member also said that the House ought first to wait and watch for the result of the Ballot Act. But really when an important Bill like this was proposed, and an hon. Member offered in opposition to it the arguments that the House had lately passed another Act, and that a Committee upstairs were considering that Act, and that therefore we had better wait—the arguments so based were, in his opinion, of little value. The Committee sitting upstairs was merely considering whether the Returning Officers should have certain payments made to them or not. The hon. Member for West Gloucestershire (Mr. Plunkett) said that the House should await the result of the working of the Ballot Act. But that was no answer to the rural householders. Both sides of the House were satisfied with the working of the Ballot Act. [“No, no!”] Well, at all events, the vast majority was. He therefore congratulated the hon. Mover of the Bill that this important question was reduced to a mere question of time. It was a question of whether it should be passed sooner or later, and he looked forward with hope to the time when hon. Gentlemen opposite would be its supporters. His hon. Friend might well be right in saying that probably this was the last Wednesday which would be occupied by this question, because, very likely, the matter would be taken up by the Government. The hon. Member for Somerset (Mr. Neville-Grenville) had stated that the country did not wish for a Reform Bill every five years, and that it especially wished not to be troubled with Reform Bills every time the Whigs were out of office. He might, however, remind the hon. Member that last time when the Whigs were out of office there was a Reform Bill; and history showed

that when the Whigs were out of office nothing was more natural, more probable, or more likely than that a Conservative Government, especially one having the present Prime Minister at its head, should think about bringing in a Reform Bill. There could be nothing more natural than that the right hon. Gentleman should desire to complete the work he had undertaken of reforming the county as well as the borough franchise, especially as he had never produced any argument against the fitness of the rural householders for the franchise. As to the question of time—in his view the question was a pressing one, and there being no question of principle involved he thought Parliament was bound to set to work to settle it. It had been stated that the numerous body of the inhabitants of counties who did not now possess votes might be divided into three classes—first, those rural householders who were in the same condition as the present borough voters having the same occupation, and being in the same social circumstances; secondly, those who were occupiers in large towns that were not Parliamentary boroughs; and thirdly, that large class which was differently situated, consisting of the agricultural labourers and miners. Taking the first two of these classes, the factory dwellers in villages and the occupiers of these large towns would have a right to complain that they were not placed on an equality with their fellow-workers who lived in boroughs. True, it might be objected that there were and always had been anomalies in our Constitution, and that therefore these people must rest satisfied with the existing state of things; but that reply would not content them, and in two or three years their complaints would become so loud, and be so well founded, that Parliament would no longer be able to resist them. But when they came to deal with the third class, the circumstances were very different. This was pre-eminently a question of practical policy; it was, whether we should, in pursuance of old precedents, as had been our wont, adapt our constitutional machinery to the work it had to do, according to the social necessities of the time. The reason why we had proceeded in this country by reform, and not by revolution, was, that when new social forces had shown their power we had included them within the pale of the

Constitution. Were we not in that position now? Was not this agricultural labour a new force which ought to be admitted within the Constitution? Were we not in this position—that if we were to make use of this force it would assist the Commonwealth, and that if we did not make use of it, it would be used against us? Should we not be increasing the power of Parliament by giving the agricultural labourers votes? Should we not diminish that power by denying them votes? No doubt, the labourers were the oldest class in the community; but, as far as the Parliamentary vote went, they were a new force. Until now they had been asleep, not knowing or caring anything about the suffrage; now they were awake and claimed the suffrage. ["No!"] If the point, whether they did or did not, was to be put before the House, this question would soon be settled. Now, thanks to the facilities of communication, thanks to their having a common cause and a common interest, they were coming into the possession of that power which was given by sympathy and common feeling. Until now, as citizens, they had been deaf and dumb; unable to express their feelings upon politics, to proclaim their grievances and wants; deaf to appeals from without, to incitements to improvement of their position, though, he was glad to say, deaf also to instigation to disorder. Now they had begun to express their opinions on political affairs, to proclaim their own grievances, to declare their own wrongs. Thanks to the political and the intellectual activity of the time, they were expressing themselves, and their leaders had become a power in the land. He indignantly repelled and lamented some of the teachings that had been given to these men, who were just waking up to a consciousness of their political rights:—it must not, however, be forgotten that their best-known leaders did not lay themselves open to such censure. The speech which had been made to-day by a working-man Representative—the hon. Member for Morpeth—showed the advantage the House had gained by his entrance into it, and he should be glad if a larger proportion of working Representatives of the country could bring their help to bear. He should like to see one or two leaders of agricultural unions, and one or two leaders of miners' unions, in

the House. He did not doubt that that eminent man, Mr. Arch, would one day be a useful Member of the House. ["Oh!"] If he were here to tell the House that the agricultural labourer ought to be allowed the full privileges of an English citizen, the Gentlemen who now resisted the claim would welcome his genius and eloquence in support of it. It was not men like Mr. Arch only that the agricultural labourers had to hear. There were, undoubtedly, most incendiary statements brought before them. Would they be giving those incendiary advocates power by giving labourers a franchise? Would they not rather reduce them to powerlessness? They would, in fact, destroy these incendiary influences by including these labourers within the pale of the Constitution. Hon. Gentlemen opposite, themselves, when they went down into their counties, would then have to argue with these men, as men having votes, and they would find that there was now quite as great a spirit of inquiry among them as there was among the population of towns. Not only were these agricultural labourers awakening up for the first time to a consciousness of their ability to take a share in the affairs of the country, but it appeared to him that there were special circumstances connected with the present time that made it most necessary that their claims should be recognized. As regarded the Master and Servant question, that was a matter which must be considered; would it not be most desirable that Representatives of the agricultural labourer should aid in its consideration? Again, there were the Liquor Laws, on which, if the feeling of the agricultural labourers could be expressed, the House would better know the real position of the rural districts in respect to these laws. The Land Tenure Laws were entitled to a better consideration in the House, and into the discussion of that subject they ought to admit the Representatives of the agricultural labourers. Then as to a question to which he had directed particular attention—the question of education—he confessed he should like to hear the opinion of the country working classes on that subject. As to Church Reform, there were hundreds of thousands of the rural population to whom this matter was of the deepest and most vital interest, and he should like to

hear from these people some expression of their opinion. He was not an opponent of the Church, but if he were, he would say that one of the causes of most vital injury to the Church would be to longer stop up the way of the agricultural labourer to attaining the Parliamentary franchise. He wished to say one word as to an argument often used in these debates, but which had been only alluded to by one hon. Gentleman that day—namely, that the House ought not to pass the Bill because of the historic traditions of the country; over that there had grown up two forms of representation—namely, property represented in the counties and numbers in the boroughs. Well, he for one did not believe in the historic truth of that argument. He believed that if they went back to the early history of the country, they would find that by means of freeholders in the counties and freemen in the towns, Parliament in those early times was constituted. The old electors were those who were not serfs, nor were the agricultural labourers now serfs. There was no precedent for the notion that they were to have one party to represent the property, and another the numbers of the country. Had such a notion been presented to our forefathers, they would have risen up against it. But whether there were historic truth in the statement or not, the argument was a pedantic one at the present day. It was not an argument that could be used in view of such a question as that now arising between master and servant in the rural districts. Could they tell the agricultural labourers now that they were represented by the farmers, that there was no antagonism of interest between them, and that they might trust the farmers to speak for them. It would be a mockery to tell them so, or to say to them that in the country property was represented, and not numbers. It was a matter in which the farmer and the labourer had different interests, and which ought to be considered from the point of view of the wage-receiving, as well as from that of the wage-paying classes. On the general question, therefore, and considering the special circumstances of the time, this was pre-eminently a question of practical politics. What were the objections raised to the Bill? The first was, that if votes were given to the country householders it would re-open

the whole question as to the distribution of seats. He was not prepared to say it would not; but could they say to those people, "we cannot admit you because this other matter is to be dealt with?" That would have been no answer to the present constituencies in boroughs, and it was no answer to the country householders. But he believed that the difficulty had been enormously overrated. What was the fact with respect to his own borough? In Bradford, before the Reform Bill of the Prime Minister passed, the constituency was under 4,000; now it was over 23,000. In the neighbouring borough of Pontefract the constituency had been increased from 700 to 2,000, but it was not found necessary to increase the number of Representatives for Bradford, or to give it a greater number of Members than Pontefract had. If any attempt, therefore, were made to postpone the consideration of the question until they had a logical and complete arrangement of representation according to population, the argument in support of it would have no more force than it had during the consideration of the Reform Bill of the right hon. Gentleman at the head of Her Majesty's Government. Then as to re-distribution, he did not doubt that on its own merits a strong case could be made out for a re-consideration of the distribution of political power, or that their present "silent and considerate Government" might be ready to consider such case. But there was another reason urged for a postponement of the question which might have some weight on both sides of the House—namely, the effect a re-distribution would have on individual seats, and on the combinations of political parties. Well, if the case were one of overpowering necessity, hon. Members would find that, sooner or later, it would have to be decided upon its real merits, and that the question of individual seats, or even of party position, would be held to be of little account. It was very hard to say what party would gain by the passing of this measure. He had no notion before it became law which party would gain by the Ballot system. As it happened, hon. Gentlemen opposite had gained at the present elections; but the only guess he could make as to the present question was this—that that party would eventually gain who supported it, and that the party would

eventually lose who opposed it. Had the late Government remained in office, and had he continued to be a Member of it, he would have done what he could to press this matter upon the attention of his Colleagues—though what they would have done about it he did not know. As an advocate of the cause, he was glad that the Conservative party had now special advantages for dealing with this question. They were the country party. The large majority of the county Members were supporters of the Prime Minister. As a manufacturer, and as a Member for a borough constituency, he would welcome the agricultural labourers within the pale of the Constitution. They were not serfs, and was it for county Members to exclude them? They were their neighbours—they knew their worth, their intelligence, their tenacity, their endurance—how loth they were to accept new ideas, but how hard it was to drive an idea from them when they had once got hold of it. County Members knew, too, how inclined the agricultural labourers were to follow and respect those above them, and around them, who did their duty towards them, and they knew also that if once a feeling of suspicion or distrust became implanted in their minds, it was very difficult indeed to uproot it. They were, therefore, eminently the men to come forward and welcome the admission of those persons into the ranks of self-government. There was a time when many Members of the Conservative party looked forward with apprehension to the working of the Reform Bill of the Prime Minister; but even the hon. Member for West Norfolk (Mr. Bentinck) would hardly say now that the "leap in the dark" was not taken with foresight. It was for that party now to complete its work. No man knew the condition of the counties, or understood the agricultural labourer better than the right hon. Gentleman opposite the Member for Oxfordshire (Mr. Henley), to whose weight and authority with the Conservative party, as much as to that of the Prime Minister, was owing the passing of the late Reform Act. He asked the right hon. Gentleman, had he less faith in the agricultural labourers of Oxfordshire than he had in the new electors of Bradford? On that side they had the satisfaction of knowing that the dealing with this question was merely a matter of time—it was ad-

Mr. W. E. Forster

mitted on all hands that it must be settled sooner or later, and his belief was that it would be settled soon. The right hon. Gentleman the Prime Minister did not happen to be in the House when his hon. Friend the Member for the Border Burghs, without bitterness or complaint, alluded to an expression which fell from the right hon. Gentleman on the hustings in the country. When he heard the expression used, he confessed he did not think that the right hon. Gentleman, who was the greatest master of the use of adjectives he ever knew, was quite so skilful in their use as he usually was when he said that the fact of his hon. Friend bringing forward this question was "disgusting." Perhaps, what the right hon. Gentleman meant was that he was disgusted he would not have the opportunity of bringing forward the question himself. However that might be, his hon. Friend had taken up the question, and he believed that before long it would be taken up by the Government of the day. The agricultural labourers claimed the franchise, and public opinion, which, after all, was the ruler of the country, was coming every day more and more to the conclusion that it would be only just and wise, and Constitutional and safe, to grant the claim. He fully believed that if this Parliament did not settle the question the next would. They might depend upon it that it was a necessary work to give to that class the same fair treatment which had been extended to the rest of the Queen's subjects. It was, as he had said, a necessary work. It must be done sooner or later, and the sooner they set about it the easier they would find the task.

MR. DISRAELI: Sir, I am sorry that any observation I have made anywhere should be displeasing to the hon. Gentleman who brought forward this question, and still more am I sorry that I had not the advantage of listening to his speech to-day. The fact is that, as it was the second reading of a Bill he had himself introduced, I—perhaps rashly—inferred that he would not address the House so early in the day, and therefore I was not in my place as soon as I ought to have been. But I can assure the hon. Gentleman, however I may have been reported—and, as I have once before said, a good deal has happened since those observations were made—I clearly remember that the

feelings under which I made them were not such as they have been interpreted to be by the hon. Gentleman and by others. I do not for a moment wish to challenge the right of an independent Member of the House to deal with any question, and certainly not with a question even of the importance of organic reform of the Constitution. I know well from my experience of this House that there are very few questions which ultimately greatly interest the country which have not been and which are not first introduced by Members not connected with the Government. But in the particular instance which I had in my mind on the occasion of making the observations referred to, I wished to express my disapprobation of an independent Member bringing forward a great question of organic reform in our Parliamentary Constitution behind a Government who were themselves pledged to its principle. Under these circumstances, I confess—although I may not have used the not very happy epithet referred to—I did express my entire disapprobation of such conduct; because I think that if the party was in the condition we have heard, it was the duty of the Government of the country themselves to deal with the question. Now, Sir, what has surprised me most in the course of the remarks I have listened to to-day is that, on the question of the conceding of political privileges to classes of our fellow-subjects, the expediency of such a course has been advocated on the plea that they are the rights of man. The right of certain classes to the franchise has been put forward by some speakers as the basis of our legislation. And I must say that many others who have addressed the House have really in the drift of their observations—although with some caution—assumed a position which in my mind I should have thought hon. Gentlemen on both sides of the House would regard not only as perilous, but as one which would not and could not commend itself to the acceptance of Parliament. The distribution of political power in the community is an affair of convention, and not an affair of moral and abstract right; and it is only in this sense that we can deal with it. Now, as regards the classes which the hon. Gentleman by his Bill seeks to invest with the franchise, I have no hesitation

in giving my opinion. I have no doubt that the rated householder in the county is just as competent to exercise the franchise with advantage to the country as the rated householder in the towns. I have not the slightest doubt whatever that he possesses all those virtues which generally characterize the British people; and I have as little doubt that if he possessed the franchise he would exercise it with the same prudence and the same benefit to the community as the rated householder in the town. But we must remember that the classes who would receive the franchise if this Bill of the hon. Gentleman were passed, are not made up of the simple materials which some speakers in this debate have chosen to assume. I was struck very much by an observation of the hon. and gallant Gentleman the Member for the County of Galway (Captain Nolan), who said there was this difference between England and Ireland in respect of this question—that in regard to England, this was a question of admitting the labouring classes to the suffrage, while in Ireland it was a question of allowing various classes—small proprietors and others—to regain the suffrage: but he assumed that the question before us was merely the question whether the labouring classes in England should possess the franchise, and some hon. Gentlemen—Representatives of English constituencies—who ought to be better informed on the matter than the hon. and gallant Member for Galway, have likewise mistaken the question. The right hon. Gentleman who has just addressed us with so much passionate fervour (Mr. W. E. Forster), said we were bound to admit the agricultural labourer to the franchise—a matter, according to the right hon. Gentleman, of vital importance. Unless we admit the agricultural labourer to the franchise, how, he asks, are we to legislate upon that important question, the relations between Master and Servant, which, he says, is a most pressing question, and must occupy our attention next Session. Then, he asks, without admitting the agricultural labourer to the franchise how are we to deal with the liquor laws? And, said the right hon. Gentleman, looking forward with severe scrutiny, unless you enfranchise the agricultural labourer how are we to deal with the laws affecting the tenure of land? What inference, Sir, am I to draw from

these important observations coming from so authoritative a quarter? Why, that an immediate Dissolution is contemplated. If the agricultural labourers are to send Members to the House of Commons to influence our decisions on those questions, it must be plain that the right hon. Gentleman and his Friends have been trained so to manœuvre their forces as to bring about an immediate Dissolution, by which we can alone obtain the verdict from the new constituencies. Now, Sir, the classes who would be enfranchised by the Bill of the hon. Gentleman are really of a very various character. I speak with some confidence as to the facts because it has been my duty to examine very much into these details, and I have very little hesitation in saying that if the Bill were passed the majority of those it would admit would not be of the labouring classes. The hon. Gentleman will be surprised to hear that, as I shall show, the number of the agricultural classes would not by any means amount to a moiety of those who would be admitted. It is just as well that we should have clear and accurate ideas on this question. Now, a word as to the agricultural labourers. It is said—although hon. Gentlemen opposite appear to have arrived somewhat rapidly at a conclusion on a matter as to which it is difficult to form an accurate opinion—that the agricultural labourers demand the franchise. Well, the agricultural labourer throughout Great Britain is certainly not an identic animal. He differs in every county, and he differs in the same county very materially. The condition of those who are labouring on the land in the northern parts of England is one of great comfort, and I may say of great prosperity. The condition of the agricultural labourer in some of the southern parts is certainly very different. It forms a painful contrast, but that condition, I am bound to say, has greatly improved since the time when the agricultural community expressed their opinion—although the right hon. Gentleman the Member for Bradford says they have now done so for the first time—I mean the time of the Swing riots, 40 years ago, just on the eve of great political changes in the country. The agricultural labourer, if you contrast his condition in 1830 or 1832 with the present time, even in the worst parts of the

southern counties of England, has immensely improved. The average increase during the 40 last years in the rate of wages even in the most—having been criticized for my epithets I will not say “degraded” part of our country population—but where they enjoy less the comforts of life has certainly been 15 per cent—some say more:—their toil has been greatly diminished by the introduction of machinery; and we cannot deny that—although there is room for improvement which I hope will be accomplished—their abodes are infinitely better. Well, Sir, I am glad to hear the agricultural labourer spoken of now with such respect by hon. Gentlemen opposite. I remember the time when the tone was different. The right hon. Gentleman the Member for Bradford has in the handsomest manner confessed that the agricultural labourer is not a serf; but I remember that until very recently we were always told that he was, and it is to me a subject of considerable satisfaction to hear his virtues at last acknowledged by hon. Gentlemen opposite. But in making these observations it does not at all follow that because there is a great movement in that class at present—a movement which I for one look upon with no distrust and no fear, and which I believe will ultimately, and I hope will speedily, end in a change in their condition very advantageous to the country—it does not, I say, at all follow that we should immediately, without thought, without the slightest reference to many weighty considerations which I will endeavour briefly to lay before the House—that we should—above all, in a moment of excitement—conclude that the only step we should take is to invest them with the franchise. I should say, on the contrary, that when a class is in a state of excitement—whatever may be the cause, however just it may be—when there exist a variety of circumstances, hopeful I trust for their eventual benefit, but not conducive to calm reflection and cool judgment—I do not think there is a *prima facie* case for suddenly advancing them to and investing them with the franchise. Sir, there is one excellent feature in this movement among the peasantry of England, and it is this—the stir that is being made among them. I am throwing aside particular instances of exaggeration and artificial agitation—which, I

think, may be traced to speculative individuals, who will always have a hand in anything like a popular movement—but generally speaking the stir in the agricultural community does not, in this instance, arise from any sense of oppression. It is not a sense of oppression which has made them discontented with their lot; on the contrary, although they may not, taking them altogether, have risen as rapidly as the other working classes, but perhaps more regularly, still their condition has always been one of progressive improvement. But they feel that they live in a time when great advances are made in all classes, and they are not satisfied that they have advanced sufficiently. But you never find—generally speaking—that they impute their condition to any oppression on the part of their employers. This is apparent from the absence of any acts of violence—they are ready to argue their case. They argue it often with great fallacy, and they often decide upon a course which will end in their disappointment. But, as far as the great body of the labouring population is concerned, they are as little influenced by embittered feelings as probably has ever been known in a great popular movement. Now, Sir, my great objection to the Bill of the hon. Gentleman is this—that there is no case in which large classes of our fellow-subjects have been invested with the franchise without a general distribution of power in consequence being considered. That is a point which has been almost entirely evaded throughout this debate, and has only been noticed by the right hon. Gentleman the Member for Bradford to show that he was aware of the difficulty. The right hon. Gentleman, with great skill, having announced to the House that he was aware of the rock ahead, said there was nothing in it, and avoided it altogether. In fact, the only illustration upon which the right hon. Gentleman founded his belief that there was nothing in the objection, that you cannot invest large bodies of the people of this country with electoral privileges without considering and reviewing the redistribution of political power, was a quotation from his own poll-book, in which he informed us that 3,000 original electors had been turned by me into 20,000, and that I had not added Members to Bradford. Now, let us look at the case in a little

more businesslike manner. I may remind hon. Members that in the year 1866 the House came to a most deliberate—I may say a most solemn—decision, in one of the fullest Houses I recollect, that any enfranchisement of large classes of the country must be accompanied by a redistribution of seats. That decision was come to in an important division, for it virtually changed the Government. Well, in 1867 the then Government brought forward a Reform Bill which greatly increased the numbers of the constituency. Did they attempt to do that without revising and considering the subject of that redistribution of political power? There were at that time 45 seats at the disposal of the Government, obtained by the disfranchisement of small boroughs—the total disfranchisement of four, and the partial disfranchisement of the rest. Of these 45 seats, 25 were allotted to counties, and the rest to boroughs, including one to an University. Therefore, the right hon. Gentleman will see that we acted entirely in unison with the principle laid down in the Resolution; and we did it in this way because it was argued that a man who had a vote as a rated householder in Bradford, if he passed the boundary of his borough, might meet another rated householder who had no vote, and that was an anomaly. We found that, unless we revised and re-distributed the Parliamentary seats, all those anomalies would be greatly aggravated by adding great numbers to the constituencies. Let me mention to the House the addition we made to the number of electors in England and Wales. I have no *data* before me for a similar calculation for Scotland and Ireland, though I have details on other points. The boroughs of England and Wales contain 1,800,000 inhabited houses, providing for the register 1,250,000 voters; that is, the voters are to houses as 25 to 36. The counties contain 2,500,000 houses, providing at present 720,000 voters, after deducting 80,000 for qualifications within boroughs. Assuming that the county householders would come upon the register in the same ratio as borough householders now come, the county voters, under the Bill of the hon. Gentleman would number 1,740,000, while the borough voters would remain at the number 1,250,000; that is to say, household suffrage would add

1,000,000 to county voters, and cause county voters to exceed borough voters by 500,000. And now, as the result, 1,740,000 county voters would return 187 Members to Parliament, while 1,250,000 borough voters would return 297 Members. Is it possible, as the right hon. Gentleman says, “to be deaf and blind” to facts and circumstances like these? Is it possible for any man with the responsibility, I will not say of a Minister, but of a Member of Parliament, to propose to legislate in that harum-scarum way, on the ground that there are anomalies, because a rated householder out of Bradford has not a vote, and a rated householder in Bradford has a vote? And is he to remedy that anomaly by producing the exaggerated and aggravated national anomaly which I have pointed out? I do not mean to say there is no remedy except by resorting to absolutely equal electoral districts. I do not want to put the case on that extreme position. *Et modus in rebus*, and we must remember that in all these questions great difficulties can be avoided by an Assembly which has such vast experience of practical politics as the House of Commons. But no one can deny that the consequence of adopting the recommendation of the hon. Member for the Border Burghs, and enfranchising these classes, is that, practically, we must look also to the re-distribution of seats at the same time. No one can deny that in so doing we must move in the direction of electoral districts. Why, all our late legislation for the last 40 years with respect to Parliamentary reform and the distribution of seats has been leading to electoral districts; and although I, for one, should think it a great misfortune if we entirely destroyed all local influences and distinctions—although I believe if we did we should much weaken the spirit and character of the country, and although I hold that we ought to cling as much as possible to maintaining those local influences and distinctions—still it is impossible not to see that if you do re-consider and re-distribute political power in deference to these views, you must, to a great extent, be approaching electoral districts. I will take the whole population of the United Kingdom at 31,450,000. Now, divide that into equal electoral districts. It may never be divided into equal electoral districts,

Mr. Disraeli

but we must recollect that there is a constant tendency to that. You would have one Representative for each 48,000 of your population. What would be the effect of that upon particular constituencies? If the country were divided into equal—or anything approaching equal—electoral districts, the result would be this:—In England and Wales 147 boroughs out of a total of 198 would lose their right to special representation, as containing fewer than 48,000 inhabitants. Among them would be Carlisle, I am sorry to say, Gloucester, the City of Oxford, Cambridge, Chester, Tynemouth, Coventry, Chatham, Exeter, and Northampton. In addition to the above 147 borough constituencies, four counties in England and Wales would cease to be specially represented. In Scotland, out of a total of 22 boroughs, 13 would lose special representation, including Perth and Stirling; while in Ireland, out of a total of 31 boroughs, 27 would be disfranchised, including Derry and Waterford. Now, we are approaching the possibility of such consequences as these arising from our dealing with the numbers in the constituencies; and I think it is well for hon. Gentlemen to pause and reflect a little on the possible results of such a proposal. These results, as I have shown, would be that 147 boroughs in England and Wales, 13 in Scotland, and 27 in Ireland—that is, 187 constituencies in the United Kingdom out of a total of 420—would be disfranchised. If you go to that excess, you must see that, in making a movement of this kind without considering those collateral conditions and arrangements which are inseparably connected with it, you are striking a blow, and a fatal blow, at the borough constitution of the United Kingdom. Now, Sir, I am not prepared to take that step. I believe our system of borough representation is one which, on the whole, has been very favourable to the enlightenment and the liberties of England and of the Kingdom generally; and I cannot say that I think this is a policy which could in any way be encouraged. I never have been an upholder of small or close boroughs. I entirely agree in the opinions expressed by Mr. Pitt at the beginning of this century. A long time has elapsed since they were uttered; but they were worthy of the man who had that great reach of mind which distinguished Mr. Pitt. He was pre-

vented, unfortunately, from carrying out the policy he wished to pursue; but I hope we have been able, in the course of the last 40 years, to remedy this in a very great degree. Therefore, I am not myself in favour of small close boroughs; and as to those young gentlemen who wish for introduction into public life, there are many ways in which they can be introduced, without being coddled and nursed in hot-houses of that kind. At the same time, I should be very sorry to see the class of boroughs with 20,000 or 25,000 of population all erased from the Parliamentary map; and I must add, after the most able speech made to-day by my hon. Friend the Member for Stafford (Mr. Salt), in proposing the Amendment, that I should be very sorry even to see the borough of Stafford disfranchised. But we must prepare ourselves for this if we are about to effect such immense changes in the representation of this country as would produce this consequence—that nearly 2,000,000 of voters would be represented by 187 Members, and only 1,250,000 by nearly 300 Members. It is quite clear that the moment you have passed an enfranchisement of this kind, we must be prepared to have our time entirely occupied in efforts to re-assert the balance of the Constitution and obtain some tolerable representation of the people of England, which we shall otherwise have completely destroyed. There is no doubt that through that variety of representation which is so much admired and appreciated, the boroughs of England have greatly benefited. Sir, these are the main reasons why I am entirely opposed to the Motion of the hon. Member for the Border Burghs. I agree with several hon. Gentlemen who have spoken in this debate in thinking that it is an unwise thing for a State always to be speculating in organic change—especially a country like this, an old country—a country influenced greatly by tradition—a country which respects authority from habit—a country which expects, in the distribution of political power, that it should be invested as much as possible with a venerable character. Nor can I shut my eyes to the fact that in this matter of organic change and in the redistribution of political power, our course of late years has been very rapid and decisive. I look forward to the consequences of those measures—

whether they be those for which I and my Colleagues were responsible, or those for which right hon. Gentlemen opposite were responsible—with little alarm, with unshaken confidence in the good sense of the people of England. But we must remember that they have had a great meal to digest, and I am not quite sure that they have yet entirely assimilated the nutrition which has been profusely supplied to them. We should not now, in a most unnecessary manner, disturb the political conscience of the country when, as I think, the public mind is not intent upon change, and when the very class on whose position the right hon. Gentleman the Member for Bradford has mostly rested his argument and his appeal—namely, the agricultural labourers—are only a portion, and not the largest portion, of those interested in this question. The mind of that class is occupied, not with political change, but rather with the elevation of their social condition; and when the disposition of the country is favourable, beyond any preceding time that I can recall, to a successful consideration of the social wants of the great body of the people, I think it would be most unwise to encourage this fever for organic change, and that it would be most expedient on the part of the House of Commons, by their vote to-day, to give a decided negative to the Motion of the hon. Gentleman.

Mr. TREVELYAN, in reply, said, the right hon. Gentleman had sought to terrify the House by a terrible picture of the changes which, in his view, the Bill would occasion in the representation of the country. The right hon. Gentleman had shown how the borough representation would be affected, and what great changes would be made in the representation of England and Scotland. The right hon. Gentleman, however, forgot that he had himself in 1859 brought in a Bill making the borough and the county franchise identical, but which he did not propose to accompany by any such sweeping disfranchisement of boroughs. The Bill of the right hon. Gentleman in 1859, instead of taking away 217 borough seats, only proposed to take away 15 single seats from 15 constituencies. They, therefore, now knew what the right hon. Gentleman would have the House accept from him as a responsible

Minister of the Crown; but this was not the way in which he spoke last year when he was in Glasgow. Now, for his own part, he would prefer what the right hon. Gentleman proposed to do in 1859 to what he said in 1873. He would only refer to one other argument of the right hon. Gentleman, who said that this was a bad time to be dealing with the representation of the labourers, who were now in a state of great excitement; but in his (Mr. Trevelyan's) opinion, so far from being a bad time he thought it was the very best. Let them look at the example of the miners in the North. The elections amongst the miners in the North were all conducted with the same order as that in which the hon. Member for Morpeth (Mr. Burt) was returned—a Gentleman who had that afternoon addressed the House, and had given them such a taste of his quality as to show that he was well worthy of occupying a place amongst them. Looking at the elections in the mining districts, they would find instead of disorder the utmost good feeling, in marked contrast to what took place south of the Tyne, where considerable excitement prevailed. He would strongly urge the House to give those men who were now disfranchised the earliest possible opportunity of showing that they could exercise the franchise not only without disturbance, but with credit to themselves and advantage to the whole community.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 173; Noes 287: Majority 114.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

AYES.

Adam, rt. hon. W. P.	Blennerhassett, R. P.
Amory, Sir J. H.	Bolckow, H. W. F.
Anderson, G.	Briggs, W. E.
Anstruther, Sir R.	Bristowe, S. B.
Backhouse, E.	Brogden, A.
Balfour, Sir G.	Brooks, rt. hon. M.
Bass, A.	Bryan, G. L.
Baxter, rt. hon. W. E.	Burt, T.
Bazley, Sir T.	Callan, P.
Beaumont, Major F.	Cameron, C.
Beaumont, W. B.	Campbell-Bannerman,
Bell, J. L.	II.
Biddulph, M.	Carington, hn. Col. W

Mr. Disraeli

F. Macduff, Viscount
 Hah, Lord F. C. Macgregor, D.
 ick, D. Mackintosh, C. F.
 ick, Sir T. M'Arthur, A.
 rt. hon. H. M'Arthur, W.
 J. C. M'Kenna, Sir J. N.
 J. M. M'Lagan, P.
 T. M'Laren, D.
 oke, Sir T. E. Maitland, J.
 E. Matheson, A.
 J. J. Melly, G.
 ham, Lord F. Mitchell, T. A.
 J. Monk, C. J.
 J. Morgan, G. O.
 K. Mundella, A. J.
 ple, C. Muntz, P. H.
 Sir H. R. F. Mure, Colonel
 D. Nevill, C. W.
 T. A. Noel, E.
 Sir C. W. Nolan, Captain
 L. L. Norwood, C. M.
 G. O'Brien, Sir P.
 J. O'Byrne, W. R.
 rt. hon. J. G. O'Clery, K.
 ag, M'C. O'Donoghue, The
 J. O'Gorman, P.
 J. C. O'Loughlen, rt. hon. Sir
 ton, G. C. M.
 H. O'Reilly, M.
 on, R. O'Shaughnessy, R.
 urice, Lord E. O'Sullivan, W. H.
 be, F. J. S. Palmer, C. M.
 W. D. Parry, T.
 Sir C. Pease, J. W.
 rt. hon. W. E. Peel, A. W.
 hon. C. Ponder, J.
 C. Pennington, F.
 E. T. Perkins, Sir F.
 hon. E. F. L. Playfair, rt. hn. Dr. L.
 J. J. Potter, T. B.
 C. Power, R.
 J. F. Price, W. E.
 k, Sir H. Ramsay, J.
 A. D. Rashleigh, Sir C.
 R. Rathbone, W.
 K. D. Reed, E. J.
 S. Reid, R.
 V. Richard, H.
 C. H. Richardson, T.
 rt. hon. E. Ripley, H. W.
 hon. C. W. G. Roebuck, J. A.
 W. B. Seely, C.
 W. J. Shaw, R.
 H. M. Sheil, E.
 H. Sherriff, A. C.
 E. Simon, Mr. Serjeant
 Sir H. Sinclair, Sir J. G. T.
 Shuttleworth, Smith, E.
 n, Lord Smyth, P. J.
 hon. A. F. Smyth, R.
 1-Huggessen, Stansfeld, rt. hon. J.
 E. Stevenson, J. C.
 Sir J. C. Stuart, Colonel
 W. Swanston, A.
 3. A. Taylor, P. A.
 Thompson, T. C.
 Torrens, W. T. M'C.
 Tracy, hon. C. R. D.
 Hanbury-
 Villiers, rt. hon. C. P.
 Walter, J.
 Waterlow, Sir S. H.
 Weguelin, T. M.

Whitwell, J.
 Williams, W.
 Wilson, C.
 Wilson, Sir M.
 Yeaman, J.

Young, A. W.

TELLERS.

Lambert, N. G.
 Trevelyan, G. O.

NOES.

Adderley, rt. hn. Sir C. Cross, rt. hon. R. A.
 Agnew, R. V. Cubitt, G.
 Alexander, Colonel Cust, H. C.
 Allen, Major Dalkeith, Earl of
 Anstruther, Sir W. Damer, Capt. Dawson-
 Antrobus, Sir E. Davenport, W. B.
 Archdale, W. H. Denison, C. B.
 Arkwright, A. P. Dickson, Major A. G.
 Arkwright, R. Diasrael, rt. hon. B.
 Ashbury, J. L. Douglas, Sir G.
 Ascheton, R. Dowdeswell, W. E.
 Baggallay, Sir R. Dyke, W. H.
 Bagge, Sir W. Dyott, Colonel R.
 Bailey, Sir J. R. Eaton, H. W.
 Balfour, A. J. Edmonstone, Adm. Sir
 Ball, rt. hon. J. T. W.
 Baring, T. C. Egerton, hon. A. F.
 Barttelot, Colonel Egerton, Sir P. G.
 Bassett, F. Egerton, hon. W.
 Bates, E. Elliot, Admiral
 Bathurst, A. A. Elliot, G.
 Beach, rt. hn. Sir M. H. Elphinstone, Sir J. D. H.
 Beach, W. W. B. Eslington, Lord
 Bective, Earl of Ewing, A. O.
 Bentinck, G. C. Feilden, H. M.
 Bentinck, G. W. P. Fellowes, E.
 Benyon, R. Finch, G. H.
 Beresford, Colonel M. FitzGerald, rt. hn. Sir S.
 Birley, H. Floyer, J.
 Boord, T. W. Forester, rt. hon. Gen.
 Bourke, hon. R. Forsyth, W.
 Bourne, Colonel Foster, W. H.
 Bousfield, Major Freshfield, C. K.
 Brassey, H. A. Galway, Viscount
 Bright, R. Gardner, J. T. Agg-
 Broadley, W. H. H. Gardner, R. Richard-
 Brooks, W. C. son-
 Bruce, hon. T. Garnier, J. C.
 Bruen, H. Goldney, G.
 Buckley, Sir E. Goldsmid, Sir F.
 Buxton, Sir R. J. Gooch, Sir D.
 Callender, W. R. Gordon, rt. hon. E. S.
 Cameron, D. Gordon, W.
 Cawley, C. E. Gore, J. R. O.
 Cecil, Lord E. H. B. G. Gore, W. R. O.
 Chaplin, Colonel E. Grantham, W.
 Chaplin, H. Greenall, G.
 Charley, W. T. Greene, E.
 Christie, W. L. Gregory, G. B.
 Churchill, Lord R. Grey, Earl de
 Clifton, T. H. Guinness, Sir A.
 Clive, Col. hon. G. W. Gurney, rt. hon. R.
 Clive, G. Halscy, T. F.
 Close, M. C. Hamilton, Lord C. J.
 Clowes, S. W. Hamilton, I. T.
 Cobbold, J. P. Hamilton, Lord G.
 Cochrane, A. D. W. R. B. Hamilton, Marquis of
 Cole, hon. Col. H. A. Hamilton, hon. R. B.
 Conolly, T. Hamond, C. F.
 Coope, O. E. Hanbury, R. W.
 Corbett, Colonel Hankey, T.
 Cordes, T. Hardcastle, E.
 Corry, hon. H. W. L. Hardy, rt. hon. G.
 Corry, J. P. Hardy, J. S.
 Crichton, Viscount Hay, rt. hn. Sir J. C. D.

Heath, R.
 Henley, rt. hon. J. W.
 Herbert, H. A.
 Hermon, F.
 Hervey, Lord A. H.
 Hervey, Lord F.
 Heygate, W. U.
 Hick, J.
 Hildyard, T. B. T.
 Hill, A. S.
 Hodgson, W. N.
 Hogg, J. M.
 Holker, J.
 Holmesdale, Viscount
 Holt, J. M.
 Home, Captain
 Hope, A. J. B. B.
 Hubbard, E.
 Hubbard, J. G.
 Huddleston, J. W.
 Hunt, rt. hon. G. W.
 Isaac, S.
 Jervis, Colonel
 Johnson, J. G.
 Johnston, W.
 Johnstone, H.
 Jolliffe, hon. Captain
 Jones, J.
 Karslake, Sir J.
 Kavanagh, A. MacM.
 Kennard, Colonel
 Kenaway, Sir J. H.
 Knightley, Sir R.
 Knowles, T.
 Laird, J.
 Learmonth, A.
 Lee, Major V.
 Legard, Sir C.
 Legh, W. J.
 Leigh, Lt.-Col. E.
 Leslie, J.
 Lewis, C. E.
 Lindsay, Col. R. L.
 Lloyd, T. E.
 Lopes, H. C.
 Lopes, Sir M.
 Lowe, rt. hon. R.
 Lowther, hon. W.
 Lowther, J.
 Macartney, J. W. E.
 Mahon, Viscount
 Majendie, L. A.
 Makins, Colonel
 Manners, rt. hn. Lord J.
 Manners, Lord G. J.
 March, Earl of
 Marten, A. G.
 Milles, hon. G. W.
 Mills, A.
 Mills, Sir C. H.
 Monckton, F.
 Monckton, hon. G.
 Montgomerie, R.
 Montgomery, Sir G. G.
 Morgan, hon. F.
 Morgan, hon. Major
 Mowbray, rt. hn. J. R.
 Mulholland, J.
 Muncaster, Lord
 Naghten, A. R.
 Neville-Grenville, R.
 Newdegate, C. N.
 Newport, Viscount
 North, Colonel
 Northcote, rt. hon. Sir
 S. H.
 O'Neill, hon. E.
 Onslow, D.
 Paget, R. H.
 Palk, Sir L.
 Parker, Lt. Col. W.
 Pateshall, E.
 Peek, Sir H. W.
 Pelly, Sir H. C.
 Peploe, Major
 Perceval, C. G.
 Percy, Earl
 Phipps, P.
 Pim, Captain B.
 Plunket, hon. D. R.
 Plunkett, hon. R.
 Polhill-Turner, Capt.
 Powell, W.
 Praed, H. B.
 Price, Captain
 Raikes, H. C.
 Read, C. S.
 Rendlesham, Lord
 Repton, G. W.
 Ridley, M. W.
 Ritchie, C. T.
 Robertson, H.
 Russell, Sir C.
 Sackville, S. G. S.
 Sanderson, T. K.
 Sandon, Viscount
 Schlater-Booth, rt. hn. G.
 Scott, Lord H.
 Scott, M. D.
 Scourfield, J. H.
 Selwin-Ibbetson, Sir
 H. J.
 Shute, General
 Sidebottom, T. H.
 Simonds, W. B.
 Smith, A.
 Smith, F. C.
 Smith, W. H.
 Smollett, P. B.
 Somerset, Lord H. R. C.
 Spinks, Mr. Serjeant
 Stanford, V. F. Benett
 Stanhope, hon. E.
 Stanhope, W. T. W. S.
 Stanley, hon. F.
 Starkey, L. R.
 Starkie, J. P. C.
 Steere, L.
 Stewart, M. J.
 Sturt, H. G.
 Sykes, C.
 Talbot, C. R. M.
 Talbot, J. G.
 Taylor, rt. hon. Col.
 Tennant, R.
 Thynne, Lord H. F.
 Tollemache, W. F.
 Torr, J.
 Tremayne, J.
 Trevor, Lord A. E. Hill-
 Turner, C.
 Turner, E.
 Verner, E. W.
 Wait, W. K.
 Walker, T. E.
 Walpole, rt. hon. S.

Walsh, hon. A.
 Waterhouse, S.
 Watney, J.
 Welby, W. E.
 Wellesley, Captain
 Wells, E.
 Wheelhouse, W. S. J.
 Whitelaw, A.
 Wilmot, Sir J. E.

Winn, R.
 Wolff, Sir H. D.
 Woodd, B. T.
 Wynn, C. W. W.
 Yarmouth, Earl of
 Yorke, J. R.
TELLERS.
 Pell, A.
 Salt, T.

WORKING MEN'S DWELLINGS BILL.

(*Mr. Whitwell, Mr. Morley.*)

[BILL 22.] SECOND READING.

Order for Second Reading, read.

MR. WHITWELL, in moving that the Bill be now read the second time, said, its object was to enable corporations, with the assent of the Home Secretary and the Treasury, to appropriate land belonging to them for the purpose of erecting dwellings for working men upon it; the Bill would also provide facilities for the acquirement and transfer of property of this description.

Motion made, and Question proposed.

"That the Bill be now read a second time."—(*Mr. Whitwell.*)

MR. ASSHETON CROSS said, he did not intend to oppose the second reading of the Bill, but reserved to himself the right of raising any objections which he might think it his duty to take to the details of the measure, either on going into Committee or in Committee. He had no doubt the House would approve the principle of the Bill, which was in fact a step in a small way towards the larger measure which he had himself undertaken to introduce in another Session. He was sure that anything which tended to an improvement of the dwellings of the poor all over the country—provided it did not infringe those laws of political economy by which they ought to be bound—would be hailed with satisfaction by the House.

Bill read the second time, and committed for Friday, 5th June.

INNKEEPERS' LIABILITY BILL.

(*Mr. Wheelhouse, Mr. Locke, Colonel Makins.*)

[BILL 50.] SECOND READING.

Order for Second Reading read.

MR. WHEELHOUSE, in moving that the Bill be now read a second time, explained that its object was to relieve innkeepers from the liability for the loss of property, in the case of customers sleeping in their houses, under which

they were placed by the existing law, and to put them in that respect in the same position as other tradesmen. He mentioned several instances in which great hardships were inflicted on innkeepers as matters now stood. Where articles were deposited by the owner in the custody of the innkeeper he would make the latter still answerable for their safe keeping.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Wheelhouse.*)

SIR FRANCIS GOLDSMID opposed the Bill, contending that it was desirable the liability which had so long existed should be maintained. He submitted that the modification made by the Act of 1863 was sufficient. He moved that it be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir Francis Goldsmid.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. LOPES said, that the common law had always held that the case of carriers and innkeepers was peculiar. In 1863, however, an Act was passed which provided that the innkeeper should not be liable for loss, except in the cases there mentioned. If this Bill should become law, it would no longer be safe for a man to take clothes or any article of value into an hotel with him, and it would operate to do away with the inducement which now existed on the part of innkeepers to see that they employed none but honest servants. He hoped the House would not sanction the passing of this measure.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

CRUELTY TO ANIMALS LAW AMENDMENT (NO. 2) BILL.

On Motion of **MR. MUNTZ**, Bill to amend the Law relating to Cruelty to Dumb Animals, ordered to be brought in by **MR. MUNTZ**, **SIR THOMAS BAZLEY**, and **MR. SAMPSON LLOYD**.

Bill presented, and read the first time. [Bill 104.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF COMMONS.

Thursday, 14th May, 1874.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Public Health (Scotland) Supplemental * [106]; Churches and Chapels Exemption (Scotland) * [108]; Herring Fishery Barrels * [107]; Bar Admission Stamp * [109].
Second Reading—Customs and Inland Revenue * [88]; Registration of Births and Deaths * [80]; Marriages Legalization (St. Paul's Church at Pooley Bridge) * [102].
Second Reading—Referred to Select Committee—Homicide Law Amendment * [44].
Committee—Juries [18]—R.F.
Committee—Report—Harbour of Colombo (Loan) * [66].
Select Committee—Infanticide * [25].

METROPOLIS.—RAPHAEL'S CARTOONS —OPENING OF PUBLIC MUSEUMS ON SUNDAYS.—QUESTION.

SIR CHARLES W. DILKE asked the Vice President of the Committee of Council on Education, If arrangements could be made to enable the public again to have the privilege of seeing Raphael's cartoons of subjects from the New Testament on Sunday afternoons, a privilege which the public had enjoyed for half a century at Hampton Court before those cartoons were transferred to the South Kensington Museum?

VISCOUNT SANDON: Sir, the subject raised by the hon. Baronet really involves the whole question of opening Museums and Picture Galleries on Sundays, respecting which, as the hon. Baronet is aware, there is a great difference of opinion. It would be exceedingly difficult to make a choice between the different subjects which should or should not be open to public inspection on Sundays. The Lord President is, therefore, not prepared to accede to the request. There will shortly be an opportunity, on the Motion of the hon. Member for Leicester (**MR. P. A. TAYLOR**), for a discussion of the whole subject, when the Government will state the views they hold respecting it. I may mention that, as the Hampton Court Gallery is closed on Fridays, and the South Kensington Museum is open for six days in the week, the public have the opportunity of seeing the cartoons for the same number of days as formerly, and that by the Museum at South Kensington being kept open till 10 o'clock on three days of the week, the working classes have special

opportunities for seeing these and other works of art which they had not before.

PUBLIC HEALTH ACT—DESTRUCTION OF INFECTED CLOTHES.

QUESTION.

LORD CLAUD JOHN HAMILTON asked the President of the Local Government Board, Whether his attention has been given to a paragraph in the "Times" of the 1st of May, headed "Destruction of Infected Clothes;" and, whether it is contemplated by the Government to introduce into the Diseases Prevention Act of 1855 anything like the provisional regulations of 1866 applicable to certain infectious diseases, and so making those regulations permanent in their operation?

MR. SCLATER-BOOTH : Sir, under the Public Health Act, Section 51, sanitary authorities may order the destruction of infected clothing, and give compensation for the same. It is proposed to extend this power to sanitary authorities within the Metropolitan area, who are exempted from the operation of the Public Health Act. It was the absence of this power which caused the difficulty at Greenwich to which the noble Lord's Question refers.

ARMY—WAR OFFICE CIRCULAR—THE VOLUNTEER FORCE.—QUESTION.

MR. BENETT-STANFORD asked the Secretary of State for War, Whether he is aware that very considerable discontent has been created by a recent War Office Circular in reference to the Reserve Forces, dated April 1st, 1874, Clause 40, paragraph 1, which abolishes one-third of the Officers of the Volunteer Force; and, whether he is prepared to reconsider the question of reducing the number of Officers; and that, supposing the said Clause be retained, if paragraph 2 in the said Clause could not, with great practical advantage to the Volunteer Force, be so altered that the appointment of supernumerary Subalterns should be allowed in each case when recommended through the Military Officer commanding the district to which such Volunteer corps or battalion may belong, instead of through the Lord Lieutenant of the County?

MR. GATHORNE HARDY, in reply, said, that the object of the recent War

Office Circular in reference to the Reserve Forces was not to abolish one-third of the number of Volunteer Officers, but to assimilate the Volunteers to the Militia, and not to require more officers for the former than the latter. But whereas in the Militia only two supernumeraries per battalion were allowed, in the Volunteers one supernumerary per troop battery or company would be permitted. The recommendation of the Lord Lieutenant of the County was taken in reference to Subaltern appointments, and that of the commanding officer in reference to promotions, and he did not propose to make any change in this respect.

METROPOLIS—PLAYGROUNDS FOR CHILDREN.—QUESTION.

SIR FREDERICK PERKINS asked the Secretary of State for the Home Department, Whether he would have any objection, in the Bill he has promised to introduce for giving greater facilities for the acquisition of sites for Industrial Dwellings in the Metropolis, to include provisions for enabling the municipal authorities to provide public playgrounds for children?

MR. ASSHETON CROSS, in reply, said, he would be prepared to consider the question. The hon. Member, however, must give him a little time. The question was a very large one, and he did not mean in the remarks he made the other night to say that he would give an opinion on it in the course of a month or two, or even in the present Session.

ARMY—THE ROYAL WARRANT, 1871—SUPERNUMERARY OFFICERS.

QUESTION.

SIR CHARLES RUSSELL asked the Secretary of State for War, What steps, if any, have been taken to carry out those provisions of the Royal Warrant of 1st November 1871 which direct that Officers who are appointed Garrison Instructors or Assistant Adjutant Generals for Musketry may be retained on the strength of their corps as supernumerary, and their places filled up?

MR. GATHORNE HARDY, in reply, said, that the matter was left to the discretion of the Secretary of State, who considered each case on its own merits.

ARMY—MARTINI-HENRY RIFLES.

QUESTIONS.

COLONEL BARTTELOT asked the Surveyor General of Ordnance, Whether 140,000 or any less number of Martini-Henry rifles have been made and placed in the Tower; whether all or the greater part of those rifles have been found defective; whether those defects are not in the mechanism of the lock as well as in the stock, and that they have all to be returned to Enfield for alterations; whether the cartridge has to be altered, both as regards quantity of powder and size and weight of bullet; and, whether he will state the estimated cost of the rifle when first approved, and the cost of each rifle, including every alteration that has been made, as well as the present alterations?

LORD EUSTACE CECIL: Yes, Sir, it is perfectly true, as my hon. and gallant Friend says, that 140,000 Martini-Henry rifles have been manufactured, and the greater part are in the Tower. It is also true they are about to be removed from the Tower to Enfield to undergo some slight modifications; but I trust that neither my hon. and gallant Friend nor anybody else interested in the matter will run away with the idea that this slight modification implies any serious defects. A Report has been made to me on the matter, and I had best read part of it to the House. It says—

“None of them have been found defective, except in minor details, and a few minor improvements are being made. There are no defects in the mechanism of the lock or action.”

COLONEL BARTTELOT: The length of the stock.

LORD EUSTACE CECIL: Well, there is a slight alteration with regard to the length of the stock. The stocks are to be made a little longer, for convenience in the handling.

COLONEL BARTTELOT: How much?

LORD EUSTACE CECIL: I should think an inch or so; but I cannot say positively. This alteration, with other minor ones, will be carried out at Enfield. The Report also says—

“No alteration has been made in the cartridge, either as to powder or bullet, or is contemplated at the present moment. The estimated cost of the rifle when first approved was £3. The cost of the alterations to the arms already made will be 2s. 11d. in those arms which require the stock to be lengthened; and the remainder 1s. 7½d., including the cost of

carriage to and from the Tower; but, on the other hand, the introduction of the alterations will reduce the cost of each rifle in future manufacture by 1s. 3d.”

I may add, Sir, that the present Committee see no reason to alter the good opinion of the Martini-Henry rifle which was formed by their predecessors, who strongly recommended it as the best weapon to be adopted in the Army.

IRELAND—COSTS AND DAMAGES
AGAINST GOVERNMENT OFFICIALS, &c.
QUESTIONS.

MR. BUTT asked the Chief Secretary for Ireland, Whether the rule stated by him to be observed as to the payment of the costs and damages recovered against Government officials was acted on in reference to an action tried in the Court of Queen's Bench, in Michaelmas term 1870, brought by James O'Donnell, esquire, of the county Mayo, against William Morony, esquire, a stipendiary magistrate, and John Crampton, esquire, a magistrate of that county; and, if so, whether the damages recovered in that case were paid out of funds provided by the Government?

SIR MICHAEL HICKS-BEACH, in reply, said, the statement alluded to by the hon. Member had reference only to the practice which would be pursued by Government at the present time, and he was not in a position to give any information about a case which happened three years ago. A Question as to that case had better be addressed to his noble Predecessor.

MR. BUTT: Will the record show whether the money came out of public funds?

SIR MICHAEL HICKS-BEACH: I have no knowledge of the matter, which happened long before I came into office.

NAVY—ALTERATION OF IRON-CLADS.
QUESTION.

SIR EDWARD WATKIN asked the First Lord of the Admiralty, If he will inform the House how much money has been expended in altering (from first construction) the “Devastation,” the “Invincible” and her sister ships, the “Inconstant” and her sister ships, and the “Sultan” and her sister ships; and, what was the general object of the alterations, and what responsible officer

or officers advised that the alterations should be made?

MR. HUNT: I am unable, Sir, to state to the House the amount of expenditure as asked for by the hon. Gentleman. It would take much clerical labour and a very considerable time to make out such an account. An explanation of the object of the more important alterations will be found in the Report of the evidence given before the Committee on Designs of Ships appointed in 1871, to which I would beg to refer the hon. Gentleman. The alterations were ordered to be made on the advice of the Controller and the officers of the Constructor's Department.

WAYS AND MEANS—COUNTY POLICE-QUESTIONS.

SIR GEORGE JENKINSON asked Mr. Chancellor of the Exchequer, Whether it is the intention of Her Majesty's Government (in the offer made by him in his Budget statement to bear half instead of one-fourth of the expense of the police force in counties) to pay really one-half of the total cost of that force; or do they still intend to deduct the items by which the professed allowance of one-fourth of the cost of the police heretofore, has been practically reduced to one-fifth or even less?

GENERAL SIR GEORGE BALFOUR asked Mr. Chancellor of the Exchequer, Whether he would cause a Report to be prepared, with a view to its being laid upon the Table of the House, on the pay, cost, grades, and numbers of the Police scattered over the United Kingdom, showing the changes under these heads in the Police Force of the various localities, and in the total Force, since 1856; also the charges borne by the various Departments of the Government, Civil, Naval, and Military, for Police during that period, with the numbers and grades, if practicable, of the Police supplied; also the Contributions paid out of the Consolidated Fund in aid of the expense of the Police in the different localities, and the estimated money liability which will now devolve on the Consolidated Fund for the various Police Bodies throughout the United Kingdom, consequent on the promised increase of the money aids?

THE CHANCELLOR OF THE EXCHEQUER: Sir, in answer to my hon.

Sir Edward Watkin

Friend, I have to say that the statement I made in the Budget speech indicated, upon a rough calculation, what the cost of the increased subvention would be, taken with reference to the amount now paid by the Treasury, and the general idea was that the amount now paid would be doubled. But the precise detail in which that would be done would have to be settled in conference with my right hon. Friend the Secretary of State for the Home Department, who proposes to introduce a Bill dealing with certain questions affecting the police. My right hon. Friend's time has been so much occupied lately that he has not yet been able to settle the details of the Bill; but I am in hopes he will shortly be able to do so. With reference to the other Question, the most convenient course would be to move an Address in a tabulated form, asking the particulars desired.

WAYS AND MEANS—PAUPER LUNATICS. QUESTION.

MR. O'SULLIVAN asked Mr. Chancellor of the Exchequer, Whether the contribution of four shillings per head towards the maintenance of pauper lunatics is intended to extend to the pauper inmates of that class in the different union workhouses in Ireland?

THE CHANCELLOR OF THE EXCHEQUER: No, Sir, it will not be given to the pauper lunatics in the workhouse.

THE GOLD COAST—POLICY OF THE GOVERNMENT.—QUESTION.

SIR WILFRID LAWSON asked the Under Secretary of State for the Colonies (in the absence of the First Lord of the Treasury), Whether he is in a position to name the day on which the Government will lay before the House of Commons the new policy which they propose to adopt with reference to the Gold Coast?

MR. LOWTHER: Sir, my hon. Friend is undoubtedly constitutionally accurate in ignoring in this House anything that occurs elsewhere; but I think I may assume that the hon. Baronet has had his attention called, through the ordinary channels of information, to the fact that a very full statement was made the other night by my noble Friend the Secretary of State for the Colonies regarding the

future policy of the Government as regards the Gold Coast. Any statement of what the hon. Baronet calls "the new policy which the Government propose to adopt with reference to the Gold Coast" must, of necessity, I think he will see, partake of the nature of a repetition of what my noble Friend has already stated. I think, therefore, he will hardly expect that any statement of the kind indicated by the hon. Baronet should be made at present in this House. If, however, any details were omitted by my noble Friend, no time will be lost in placing them before this House.

SIR WILFRID LAWSON said, the reason why he had asked the Question was that the Prime Minister had, in his place, promised that the statement should be made in both Houses of Parliament.

POST OFFICE—THE UNITED STATES— POSTAL CARDS.—QUESTION.

MR. SEELY asked the Postmaster General, Whether, on the 2nd July 1873, a Telegram was received from the Postmaster General of the United States proposing that Post Cards should be permitted to be sent from one country to the other for a total postage of 1*d.* or 2 cents each; that is, that a postage label of $\frac{1}{2}$ *d.* or 1 cent should be affixed to each card in addition to the impressed stamp of $\frac{1}{2}$ *d.* or 1 cent; if he can inform the House whether Post Cards are transmitted between Germany and the United States at a postage of 2 cents or 1 groschen each; and, whether a new Convention between Switzerland and the United States has been concluded for a like purpose?

LORD JOHN MANNERS: I find, Sir, that a telegram was received on the 2nd of July last to the effect stated in the first part of the Question. With respect to the second part of this Question, I believe post cards are transmitted between Germany and the United States at a postage of 2 cents or one groschen each. As to the third part of the Question, I am not in a position to give any answer.

INTOXICATING LIQUORS BILL—PUB- LIC-HOUSE HOURS ON SUNDAY.

QUESTION.

MR. LAIRD asked the Secretary of State for the Home Department, Whe-

ther the effect of passing the Intoxicating Liquors Bill will be, that the hours for all public-houses opening on Sunday evening, excepting in the Metropolitan district will be to open at 6 P.M. and not close until 10 P.M.?

SIR HENRY SELWIN-IBBETSON (for the Home Secretary) replied that the hours in the new Bill in all districts except the Metropolis were from 6 to 10 on Sunday evenings, or the same as the hours laid down in the Act of 1872.

PERU—THE GUANO DEPOSITS.

QUESTION.

MR. WHEELHOUSE said, he wished to put a Question to the Under Secretary of State for Foreign Affairs—a Question of which he had given him private Notice—namely, Whether Her Majesty's Government have received any report or written information in reference to an alleged recent discovery of large guano deposits in Peru, either from the Commander of the *Petrel* or from any other source?

MR. BOURKE: The Reports which have been received upon this subject will be laid upon the Table this evening. There are certain maps alluded to in these Reports which are not yet ready; but, as there is a great desire to see these Reports, Her Majesty's Government has thought it better to lay them on the Table without waiting for the completion of the maps.

REGISTRATION OF BIRTHS AND DEATHS BILL.—[BILL 80.]

(*Mr. Sclater-Booth, Mr. Clare Read, Mr.*

Secretary Cross.)

SECOND READING.

Order for Second Reading read.

MR. SCLATER-BOOTH, in moving that the Bill be now read the second time, said, he wished to explain the position in which the question now stood. The registration of births and deaths rested on a statute of some antiquity which had been passed in 1836, and had not been amended as regarded England in any important respect from that time down to the present day. Measures had been introduced respecting Ireland and Scotland which differed materially from the law of England on the subject, registration being made compulsory in both these countries by the measures of 1854 and 1863 for Scotland and Ireland

respectively. In England registration was not compulsory; but advantage was taken in the preparation of the present measure to introduce provisions from those Acts to make it so. The necessity of an amendment of the law had been brought under the notice of the Government by the Report of the Sanitary Commission, and Committees of this House had on two occasions urged upon the attention of the House and the country the necessity of providing for a compulsory system of registration of births and deaths. The Committee on Vaccination in 1871 and the Committee on the Protection of Infant Life both recommended the alteration of the law in this direction in the strongest possible language. In accordance with the recommendation of the last Committee, his right hon. Friend opposite (Mr. Lyon Playfair) in 1871, introduced a Bill for the compulsory registration of births. This was considered to be an insufficient measure of reform by the then Government, who undertook to legislate on the subject, and in the last two Sessions a Bill was introduced into the House of Lords very similar in its provisions to that which he now brought under the notice of the House. He need not enlarge upon the necessity of accurate statistics on a measure of such vital importance; but he might be allowed to express his surprise that so many years had elapsed without those compulsory powers of registration which it was the object of this Bill to provide. No doubt the present system of registration was complete as regarded marriage, and a registration of deaths was provided in an indirect method by making it obligatory upon the clergy and others to notify the failure to produce a certificate of death on the occasion of funerals. There was, however, a want of greater accuracy in regard to the registration of the causes of death. The registration of births under the present Act was not intended to be compulsory, and it was estimated that from 20,000 to 30,000 births escaped registration every year. Not only did births escape registration, but there was reason to believe that many burials took place of children born alive who were represented as still-born, and that was a defect which would be remedied by the present Bill. He was not aware that any objections were taken in the House of Lords to the compulsory clauses

of the Bill, and it had been his anxious endeavour, in recasting the measure of last year, to show as much indulgence as possible to the persons concerned. Instead of the parents alone being legally qualified to give information concerning the birth of a child, the number of persons who could give information to the Registrars, as deputies of the parents, was increased. The next clause provided an extension of time during which a birth might be registered—namely, from six weeks to three months. Another important indulgence would enable persons having a birth or death to register to give notice to the Registrar, who might be required, on payment of a fee of 1s., to attend at the house of the parties. It happened, in many cases, that poor persons lived at a considerable distance from the Registrar, so that they lost half a day's work by going to his house. The Registrar could now be required to go to their houses on payment of this moderate sum. The Bill also provided an extension of the time during which births might be registered before the Superintendent Registrar. The process of registering the birth by the Superintendent Registrar was necessarily more elaborate, expensive, and onerous than before the District Registrar, and the time was extended in this case from six to 12 months. The fee to the Superintendent Registrar was also reduced from 7s. 6d. to 2s. 6d. The Act also gave power to parents and others to register a birth in another sub-district from that in which a child might be born. The Bill also gave increased facilities for registering the baptismal or other name which might be given to the child after the original registration of birth. These alterations would, he trusted, give satisfaction to a large number of persons. Another change proposed was that on the occurrence of a death it would not be necessary to make a complete registration of all the details before the funeral. The person whose duty it was to give information might send notice of the death to the Registrar, who might then give his certificate for the funeral, further time being allowed for the complete registration of the facts required to be given. Securities were taken that infants born alive should not be buried as still-born, and although the Bill might not be thought to go far enough in that direction, it would effect a con-

siderable improvement in the present system. It was important to obtain more accurate information as to the cause of death, and the Bill provided that when a medical practitioner attended the deceased he should be obliged to give a certificate stating the cause of death. This, to the credit of the profession, was now done voluntarily. It was necessary in the administration of the sanitary laws that the Registrar General and the sanitary authorities should know as speedily as possible what were the prevailing diseases in any locality, in order that they might direct their efforts for the amelioration of the health of that district. The Bill also made provision for erecting sub-districts where the present districts were too large. There was now no power to alter a district, and in many cases, where a district extended over an area of 10 or 20 miles, great inconvenience was felt by poor persons when it was necessary to attend before the Registrar. The Bill also provided that the Registrar should issue a cheap certificate of birth in cases where it was necessary, under the Education Act, to prove the age of a child. A long clause of a somewhat technical character had been framed, under the advice of the Board of Trade, providing a more complete registration of births and deaths at sea. As additional duties were thrown upon the Registrars, and as in certain cases their fees were reduced, it was necessary to give them additional remuneration. The Registrars would be expected to register births gratuitously for three months after the birth instead of three weeks, and they would be expected to remain at home at fixed hours and issue notices as to the hours at which they might be found at their offices. There were many other provisions in the Bill of which the Registrars would have reason to complain if no compensating provision were inserted; but by one of the clauses they would receive additional remuneration, which would amount to about £4 10s. yearly for each Registrar. An additional charge of £2,000 a-year would also have to be defrayed for the cost of printing forms and expenses connected with the Superintendent Registrars. To the Bill itself there might be several classes of objections. The first would arise from the objections which some people entertained to any system of registration; but in that House he

believed that class of objection would find no representative. Then objections might be urged in the interests of the clergy; but the powers which that body now possessed would not be taken away by this Bill. Again, it might be said that the compulsory powers in the Bill were not sufficiently stringent. His opinion, however, was that there was no necessity for multiplying penalties, and that such a course, as was the case in relation to the Vaccination Acts, might be attended by considerable mischief. The indiscreet action of local officers in enforcing cumulative penalties against people who could only be regarded as monomaniacs, and not as persons desirous of breaking the law, had brought upon those Acts an obloquy which they did not deserve, and he was therefore anxious to dispense with engines of annoyance which might be made extremely harsh and oppressive. Another objection made to the Bill was that it would cause an additional burden to the rates; but it was the intention of his right hon. Friend the Chancellor of the Exchequer to propose next year—and the Bill would not come into operation before—a Vote which would be sufficient to meet this additional expenditure. He trusted that after these explanations his right hon. Friend opposite (Mr. Lyon Playfair) would not, by dividing against the Bill, place any additional hindrance in the way of Parliament passing an efficient measure upon this subject.

Motion made, and Question proposed,
“That the Bill be now read a second time.”—(*Mr. Selater-Booth.*)

MR. LYON PLAYFAIR: I am glad to say that after the speech of my right hon. Friend the President of the Local Government Board, it will not be necessary for me to move the rejection of this Bill. I gave Notice to do so because I could not discover in the Bill any efficient compulsion for the registration of births and deaths; nor after attentively listening to his speech am I yet able to do so. But, as my right hon. Friend is prepared to admit the necessity for compulsion, there is no difference of principle between us, and our modes of securing the object may be discussed in Committee. My right hon. Friend believes that he has provided compulsory registration, but admits that if he has not, it should be secured. The whole

question is simple, and may be shortly explained. In 1836 an Act was passed for a system of civil registration in England and Wales. It was a tentative plan, and had to be introduced with care. Under the system of voluntary registration, which was administered with much ability by Major Graham, the Registrar General, the value of registration of births and deaths both to individuals and to the State became so manifest that Parliament, when it extended the system to Scotland in 1854, and to Ireland in 1863, rendered it a compulsory duty of citizens to register births and deaths. One Royal Commission and two Select Committees have within the last few years recommended that the registration in England should be made compulsory, as it is in the other parts of the Kingdom. The Sanitary Commission, presided over by my right hon. Friend the President of the Board of Trade (Sir Charles Adderley), reported—

"In our opinion the registration of births should be compulsory, as in the case of Ireland and Scotland."

Again, the Vaccination Committee of 1871 said—

"A compulsory registration of births, such as exists in Scotland and Ireland, is needed, as the non-registered children are those most likely to escape the notice of the vaccinator."

Lastly, the Infant Life Protection Committee report in the following strong terms—

"There is one point in which all agree, and it lies at the root of the whole matter—that is to say, that there should be in England a compulsory registration of all births and deaths."

I believe that my right hon. Friend (Mr. Selater-Booth) is prepared to accept their recommendations as authoritative, and to have his Bill tested upon them. He does not deny the necessity for compulsion. In fact, the Bill admits it by its first clause, which renders registration a duty; and speaking generally, although no penalty may be specifically attached to the default of a duty enjoined by statute, yet by common law neglect of duty may be enforced by indictment. But my right hon. Friend would not consider this cumbrous and expensive plan as in reality giving to us any real compulsion. He argues that the second clause of the Bill enforces compulsion. That clause enacts that any person who is applied to by the Registrar

for information in regard to a birth, must give it under a penalty of 40s. I do not deny that both these clauses are improvements on the English Act of 1836, but they are far below the efficiency of the Scotch and Irish Acts. In Scotland it is the duty of the public to inform the Registrar of all births and deaths, and to go to his office to complete the registration. In Ireland it is the duty of the public to send a notice of the birth or death to the Registrar, who is then left to complete the registration by going to the house where it has occurred. But by this Bill no notice need be sent to the Registrar, who is assumed to be omniscient and to divine that births or deaths have occurred, to search them out, and register them as he best can. This is very different from the recommendations of the Commission and of the Select Committees, and also from the Bills sent down to us by the House of Lords in 1872-73. In these Bills registration was also stated to be a duty, but a penalty was attached for the default of that duty. The 38th clause of this Bill enacts penalties for false information, but it omits the penalty for not giving information. The words which provided for this in the Lords' Bill have been struck out. This, in my eyes, renders the Bill of no value. If registration be a duty, as the first clause declares it to be, it is surely right that a summary penalty should be attached to its non-performance. That duty is not laid by the first clause upon the Registrars, but upon the parents; and it is they who ought to be called upon to tell the Registrar that his functions are required. I do not ask, as the Select Committees have done, that you should legislate as heroically for England as you have done for Scotland, because it is well known to all practical legislators that the Scotch accept logical consequences of a legislative principle much more readily than the English. But it is, surely, not a heavy burden to put upon English parents that they should aid registration to the extent of sending a notice to the Registrar that his services are required. Without the co-operation of the public, I think that little would be gained by the present Bill. Conceive how hopeless it would be for a Registrar of a large district to find out in all cases the occurrence of births and of deaths, and the true causes of the latter when there is a

negligent or a fraudulent concealment. But if a few examples are made of those who decline to fulfil the duty, enforced by a penalty, notices of births and deaths will become a rule, and the labours of Registrars to discover cases of concealment will be brought within manageable compass. This has been the result in Scotland, where the manner of registration is much more rigid than is proposed in this Bill. In one or two sentences I think that I can draw attention to the importance of efficient compulsion. There is an active League, called the Anti-Vaccination League, which does not hesitate to induce parents to conceal births in order to prevent vaccination. This League will, unquestionably, be glad that this Bill contains no penalty for not giving information of births. Compare the infantile mortality among children in Scotland, where registration is compulsory, with that in England, where it is voluntary, and you will be convinced how much efficient registration has to do with repression of that loathsome disease small-pox. In the epidemic of 1871, 23 per cent of deaths from small-pox in the large towns of Scotland consisted of children under 5 years of age, while in England they were 33 per cent. The country of compulsory registration stood therefore 10 per cent better in regard to the infantile mortality from small-pox. I need not remind the House what startling revelations were made to it by the Committee on the Protection of Infant Life. The mortality among illegitimate children was proved to be frightful. Few mothers of this class of children voluntarily register their own shame, and, as the evidence proves, many of them are criminally negligent of the life of their offspring. As the Select Committee have told us, if we desire to protect infant life, compulsory registration "lies at the root of the whole matter," for it fixes knowledge and responsibility upon the parents. It is probable that there are from 40,000 to 50,000 illegitimate children annually born in England, and for each of these there is a motive to escape registration. To throw this duty upon the Registrar, and not upon the parent, as this Bill does, is a palpable weakening of administrative machinery. I have hitherto chiefly spoken of births; but the Bill is equally lax in regard to the registration of deaths. According to it, any person

may bury a dead body without a certificate, and then may, if he please, but only if he please, go to the Registrar a month afterwards and register the death. It is true that the minister or sexton must intimate within seven days to the Registrar the fact of the burial, and if he be an active man he may ferret out the causes of death before the month is out. But here, again, the public is relieved of a duty which is cast upon the Registrar. There are 8,000 or 9,000 deaths annually in England uncertified by any medical man or by inquest. The Bills sent down to us by the House of Lords contained a very proper provision that these uncertified deaths should be inquired into by a competent person, such as the Poor Law medical officer would be. But this Bill again strikes out this provision, and leaves the duty to the Registrar, who generally is as incompetent for such an inquiry as a man can be. I need not urge how infinitely valuable to public health and to the protection of life an accurate registration of births and of the causes of death would prove. Negligence in keeping such registers even now introduces serious errors in sanitary statistics; but wide-open loopholes for escape such as I have described will enable the criminal to increase his facilities for crime, and put in his way temptations which are even now too great. Had time permitted I might have referred you to the Registrar General's Reports, pointing out how such cases as the series of 20 murders in Norfolk, described by Sir James Graham in this House in 1846, and a similar series in 10 villages in Essex, in 1849, could not have occurred had the system of registration been effectual. I might, on the other hand, have pointed out how registration, imperfect as it is, has led to the detection of Palmer, Pritchard, and other criminals. But I prefer to base my arguments on the deliberate judgment of the Sanitary Commission and two Select Committees who have recommended to our attention compulsory registration, not as it is in this Bill, but as it is in Ireland and Scotland. In the earliest dawn of the English nation protection of life was held sacred, and the old Coroner's inquest indicates the desire to ascertain the discoverable causes of death. We shall only follow out the old traditions of England if we adapt sanitary laws to modern wants

and when we find by a long experience in one part of the Kingdom that compulsory registration has been attended with the most happy results, it is surely not unreasonable to wish to see that extended to England and Wales in a manner nearly, if not equally, efficient. My right hon. Friend desires this as much as I do, and when we come to Committee I am sure that he will give fair consideration to our arguments for improving the Bill which he now asks us to read a second time.

MR. PELL objected to the mode in which Registration Officers were paid. The Registrar General was appointed by the Government, and his salary and expenses were all paid out of the Imperial Exchequer. The Superintendent Registrar and the Ordinary Registrar were nominated by the guardians, but must be approved by the Registrar General, and held their offices during his pleasure. They were paid partly by fees and partly out of the local rates, but except their nomination by the guardians, the local authorities had no authority over them; and he held that they should be paid out of the Imperial Exchequer, instead of taking £80,000 a-year out of the local taxation. Then the clause of the Bill which related to the combination of parishes introduced a new principle, because it proposed that the ratepayer should pay, not with regard to the value of his hereditament, but in reference to the amount of the population amidst which he lived. He admitted that some measure was necessary; but had the right hon. Gentleman (Mr. Lyon Playfair) gone to a division he should have voted with him, as he considered the Bill highly objectionable in several points.

MR. HENLEY said, he resided in a district in which some of the villages were six miles from the Registrar's office, and the provision in this Bill which allowed notice to be sent by post remedied a great grievance. He suggested that if it was made the Registrar's duty to go once in a month or six weeks to each parish on a given day, it would also be a great boon to the labouring population. He ridiculed the clause which provided that "the requisite information may be required of any relative," the word "relative" being defined as including relatives by marriage. It was rather a strong measure to compel

a sixth or seventh cousin by marriage to go five or six miles to give information in a matter in which he might be wholly unconcerned. He trusted his right hon. Friend would give these points his consideration before the Bill went into Committee.

GENERAL SIR GEORGE BALFOUR was satisfied that this mode of making up the salaries partly out of the rates, partly by fees, and partly out of the Treasury, was a most mischievous mode of keeping down expenditure. He thought it would be much better, and more economical, if Government would defray all the expenses connected with the Registrars.

LORD ESLINGTON believed there was a strong feeling in the country that the Registrars were very much underpaid. The right hon. Member for Oxfordshire (Mr. Henley) had suggested that the Registrars should make a sort of circuit periodically; but that would at once raise the question of further payments, because some provision must be made for their travelling expenses. At present there was often a difficulty of knowing where the Registrar lived. He begged to suggest that a list of Registrars should be kept at the police-stations. Such a list would be accessible to all, and would be a matter of great public convenience.

MR. STANSFELD said, he thought his right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair) had very wisely determined not to take the sense of the House on the second reading of the Bill, as it was essentially a measure of clauses and details, which could be better dealt with in Committee. He was disposed to agree with his right hon. Friend that there was not sufficient compulsion provided for in the clauses of the Bill. He should be prepared to discuss that point in Committee, but not in any party spirit. All he desired was that compulsion should be sufficient without being unduly harassing. He also thought that no penalty ought to be enacted which was not actually necessary for the purpose for which it was proposed. It was quite an open question whether the Registrars should be paid out of the Imperial funds, or partly out of the rates; but he could not agree with the general principle laid down by the hon. Gentleman opposite (Mr. Pell), because

Mr. Lyon Playfair

it would lead to extravagant claims being made on the Exchequer.

Motion agreed to.

Bill read a second time, and *committed for Thursday, 4th June.*

JURIES BILL.—[BILL 18.]

(*Mr. Lopes, Mr. Gregory, Mr. Goldney.*)

COMMITTEE. [*Progress 5th May.*]

Bill *considered* in Committee.

(*In the Committee.*)

Clause 1 (Qualification of common jurors in counties).

MR. LOPES moved the insertion of these words—"In the county of Middlesex of not less than thirty pounds," in page 1, line 23, with a view to continue the present qualification of jurors in that county.

Amendment agreed to.

Further Amendments made.

Clause, as amended, *agreed to.*

Clause 2 (Qualification of special jurors in counties).

MR. J. G. TALBOT moved, in page 3, line 21, to insert "at any sessions of the peace"—his purpose being to retain the Grand Jury panel for the Assizes as at present.

SIR HENRY JAMES objected to the Amendment, and suggested that it would be more convenient to raise the question by way of a proviso.

After short conversation, the clause was altered so as to omit from the clause the words affecting the summoning of grand juries.

Clause, as amended, *agreed to.*

Clause 3 (Qualification of common jurors in the City of London) *agreed to.*

Clause 4 (Qualification of special jurors in the City of London).

MR. GOLDNEY moved, in page 3, line 34, after "man," to insert—

"whose name shall be in the jurors' book for the City of London, who shall be an esquire or person of higher degree, or a banker, merchant, broker, corn factor, architect, surveyor, or wholesale warehouseman."

SIR HENRY JAMES pointed out that the Amendment would make the definition of a special juror vague in the extreme, and hoped the Motion would be withdrawn.

THE SOLICITOR GENERAL also urged that the Amendment should be withdrawn.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 5 (Exemptions).

MR. J. G. TALBOT moved, in page 4, line 1, after "judges," to insert "justices of the peace."

MR. OSBORNE MORGAN said, he hoped that justices of the peace would not be exempted, for there were in his county 105 justices of the peace, and they had very little to do.

MR. RUSSELL GURNEY said, that to exclude justices of the peace from juries would be to strike out the brains of the jury-box.

Amendment, by leave, *withdrawn.*

MR. SANDFORD moved, in page 4, line 1, to leave out from "and all serjeants" to "in actual practice," inclusive in line 5, and insert "members of Her Majesty's Privy Council." The hon. Member said, that the bewigged and begowned gentlemen one saw doing nothing at Westminster should be utilized in the administration of the law in some form or other.

SIR HENRY JAMES pointed out that there were practical objections to including lawyers on juries, for barristers might be influenced by the circumstances that the counsel pleading before them had been their opponents in some other case, or by the fact that the attorney who had given them a fee on a previous occasion was interested in the cause which they had now to try as jurors.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BAIL) said, he had always understood that members of the Bar were excluded, not for their own benefit, but in the public interest. They existed for the benefit of the public, and yet, if they were placed on juries, they might get imprisoned in a Tichborne case, and be unable to attend to their clients.

MR. J. GOLDSMID suggested that if lawyers were engaged on juries there would probably be fewer cases to try, and in that way the public would gain an advantage.

MR. RUSSELL GURNEY remarked that it would be more correct to talk in this case of exclusion than of exemption.

Amendment *negatived.*

MR. STAVELEY HILL (for Mr. SALT) moved, in page 4, line 10, after "belong," add "and parish clerks." He regarded them as a class whose case deserved special consideration. They were persons who had a "freehold" employment, and who could not employ a deputy to say even the word "Amen."

MR. DODSON said, he could not even say the word "Amen" to the hon. Member's Amendment. Parish clerks had not hitherto been exempted, and he hoped the Committee would not accept the Amendment.

MR. LOPES said, that there were 15,000 parish clerks in England and Wales. If this Amendment were carried, he was not sure that every man in England would not become a parish clerk.

Amendment negatived.

MR. WYKEHAM MARTIN moved, in page 4, line 28, to omit the words "veterinary surgeons." There were in the county of Kent a number of veterinary surgeons who were not members of the Royal College of Veterinary Surgeons, but who had large practice, and were very useful. He had, two years since, 300 diseased animals on his farm, and had to call in a veterinary surgeon and his two sons. The case of this valuable class of men deserved consideration, and he hoped they would be exempted.

COLONEL BARTTELOT opposed the Amendment, and hoped his hon. Friend would not press it.

Amendment, by leave, withdrawn.

MR. FRESHFIELD moved, in line 29, to add—

"Members of the council of the municipal corporations of any borough, and every justice of the peace commissioned to keep the peace therein, and the town clerk and treasurer for the time being of every such borough, so far as relates to any jury summoned to serve in the county in which such borough is situate."

THE ATTORNEY GENERAL said, he hoped the Amendment would not be pressed. A similar proposal was made last year, and was rejected by 126 to 42.

MR. WYKEHAM MARTIN said, he hoped his hon. Friend would press his Amendment. Members of the town councils were the most hardly worked men of any in existence. They were exempted from time immemorial, and it should be remembered that most of them were advanced in life.

MR. LOPES said, he thought it would be a serious matter if this Amendment were allowed to pass. In Wales the difficulty of getting jurors was very great, and he had never heard until now that the members of town councils were hard worked. This exemption would withdraw the very men it was most desirable to get as jurors.

MR. CAWLEY said, he did not see any reason for exempting them from liability to serve on juries, and he did not think they would shirk their duties as common councilmen.

Amendment, by leave, withdrawn.

MR. LOPES, in reference to the section exempting officers of the Army and Navy while on actual service, said, the Amendment which he was now about to propose was a most important one—namely, in page 4, line 30, after "service," to insert—

"All persons in and belonging to Her Majesty's Navy, and borne on the books of Her Majesty's Ships in Commission, also all Marines and Marine Artillery."

COLONEL BARTTELOT said, the Amendment proposed by the hon. and learned Member was a most serious one, and he hoped he would not press it. The hon. and learned Member might as well propose to insert all non-commissioned officers in the Army.

SIR HENRY JAMES asked his hon. and learned Friend to postpone the Motion until the bringing up of the Report.

MR. LOPES assented.

Amendment, by leave, withdrawn.

MR. TORR moved, in page 4, line 32, to insert "the members of the Mersey Docks and Harbour Board."

COLONEL BARTTELOT said, he could not see why these gentlemen should be exempted any more than other people.

MR. C. TURNER said, that the members of the Board had a larger amount of business to perform than any other Dock Board in the United Kingdom, and he urged that they were much more entitled to exemption than the members of the Trinity Board.

MR. LOPES observed that the hon. Member's Colleague (Mr. Rathbone) proposed the same Amendment last year, when it was negatived without a division.

Amendment negatived.

SIR CHARLES RUSSELL moved, in page 5, line 2, after "revenue," to insert "persons acting as Commissioners in the execution of the Acts of Parliament relating to Income Tax." The Commissioners accepted their offices solely on account of the exemption which they had thus obtained.

SIR HENRY JAMES said, such an exemption would stultify the measure. Everyone acquainted with the administration of justice knew that one of the great causes of deterioration in juries arose from the extent of the exemptions, and from their intelligence none were better qualified to serve than the gentlemen whom the House was now asked to exempt from service. If the exemption they now had were continued the standard of jurymen would be greatly lowered.

MR. J. G. TALBOT supported the Amendment. He thought vested interests ought to be respected.

SIR HENRY PEEK said, that to abolish the exemption would be a direct breach of justice with those gentlemen, who had accepted public duties as Commissioners of Income Tax upon the understanding that they would be exempt from serving on juries.

MR. BRISTOWE said, he thought that these gentlemen had no more claim to exemption than other Commissioners.

Amendment negatived.

SIR THOMAS CHAMBERS moved, in page 5, line 4, to insert "Lord Mayor and Aldermen of the City of London, their clerks and ushers." The Lord Mayor was, during his office, the hardest-worked man in the City. The Aldermen were Commissioners of the Central Criminal Court, and acted as justices of the peace at the City police courts. As regards the clerks and ushers, they were entitled to the indulgence that had been extended to the clerks and ushers at the metropolitan police courts.

SIR HENRY JAMES said, he had nowish to inconvenience the Lord Mayor, and he agreed that the clerks and ushers should be placed on the same footing as those employed at the Metropolitan police courts; but he would not part with the Aldermen, who were the very best men they could get to serve on juries.

SIR JAMES LAWRENCE said, he thought the hon. and learned Gentleman had not acted frankly in concealing from

the House the fact that it was the opinion of Lord Coleridge, when the Bill was before the House last Session, that the clauses exempting the Judges of the land applied to the Aldermen, who were Commissioners of the Central Criminal Court, and as such came within the definition of Judges.

SIR HENRY JAMES said, that no doubt was Lord Coleridge's opinion, but it was not his, and when Lord Coleridge gave expression to it, he (Sir Henry James) stated that he would on the Report move a Proviso to the effect that the exemption should not apply to the Aldermen of London except those sitting as members of the Central Criminal Court; and he would now do so to prevent any dispute in future upon this point.

MR. LOPES objected to the exemption of the Aldermen, and thought that the case of the Lord Mayor might be left to the discretion which the magistrates had the power of exercising as to his exemption under Clause 20.

THE ATTORNEY GENERAL suggested that the Amendment in the first instance should be limited to the Lord Mayor—though probably that Amendment was hardly necessary.

Amendment, so amended, agreed to.

MR. HANKEY moved, in page 5, after line 6, to insert "Commissioners for the Reduction of the National Debt."

MR. GREGORY said, the Amendment would exempt the Governor and Deputy Governor of the Bank of England, and suggested whether such an Amendment was consistent with what had already been done.

Amendment agreed to.

MR. SANDFORD moved, in page 5, line 9, to leave out "seventy," and insert "sixty," the effect of which would be that persons of sixty years of age and upwards would be exempt.

MR. LOPES explained that he had another Amendment, giving persons above 60 the right to claim exemption, and exempting them absolutely at 70.

Amendment, by leave, withdrawn.

Clause, as amended, agreed to.

Clause 6 (Disqualification of criminals, &c.) *agreed to.*

Clause 7 (Men of sixty-five years of age and upwards to be exempt, if exemption is claimed in time.)

MR. LOPES moved, in page 5, line 26, to leave out "five." The effect would be that persons at the age of 60, instead of 65, might, if they thought fit, claim exemption. If they did not claim exemption they would go on serving till they were 70, when they would be struck off the list as a matter of course. He had received a number of representations on this point, and he was very anxious to take the opinion of the Committee upon it.

SIR GEORGE BOWYER said, he thought that no age of itself ought to carry exemption, seeing that Lord Campbell took the Great Seal at the age of 80, and that several Members of that House and Judges of the land discharged their duties after the age of 65.

MR. YOUNG said, that the exemption of some meant an increase of burden upon others. Many men were in the prime of life at 65. He should oppose the Amendment.

MR. LOPES said, he had been induced to propose the change in consequence of the representations that had been made to him. He had received from 300 to 500 letters from persons of 60 and upwards in favour of the Amendment.

MR. GRANTHAM believed that if the Amendment were adopted everyone would claim the exemption who possibly could. Many men at 60 and 70 years of age could go across country very well, and it would be better if the clause were retained in its present shape.

THE SOLICITOR GENERAL trusted that the Amendment would be allowed to stand. A great many gentlemen of the age in question were intellectually strong, but physically weak, and it would be very hard upon such persons to compel them to travel a long distance to assize towns to serve on juries. They should permit any person of this age who was able and willing to serve on juries to do so. He did not agree that everyone who could claim the exemption would be anxious to do so.

MR. STAVELEY HILL supported the clause, as he believed that all the questions which came before a jury might be very well discharged by a man who was 65 years of age.

Question put, "That the word "five" stand part of the clause."

The Committee *divided*:—Ayes 38; Noes 97: Majority 59.

Clause amended, and *agreed to*.

Clause 8 (Partial exemption of justices of the peace.)

MR. J. G. TALBOT proposed, at the end of the clause, to add the words "nor as a common juror anywhere." The hon. Gentleman explained that the object of this Amendment was to give to justices of the peace that exemption which they now practically enjoyed, and to which he considered they were entitled. He thought it was better, now that they were passing a Juries Bill, which was intended to comprise all the law upon the subject, to lay down what was to be the practice, and not to leave it to "understandings" in future. He had not pressed his former Amendment for the full exemption of justices, but on this he must take the sense of the Committee.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 16; Noes 113: Majority 97.

Clause *agreed to*.

Clause 9 (Jurors in particular places for which a separate court of quarter session is holden exempted from serving on juries at the general or quarter sessions of the county) *agreed to*.

Clause 10 (Exemption or want of qualification to be a ground of challenge, but not of avoiding any trial) *agreed to*.

Clauses 11 to 28, relating to the preparation, &c. of the jurors lists, *agreed to*.

Clause 29 (Making out lists in the city. Secondary to issue precepts.)

SIR JAMES LAWRENCE (for MR. WILLIAM M'ARTHUR), moved, in page 10, line 22, to leave out "vestry clerk" and to insert "ward clerk." The effect of the clause as it stood would be that the lists in the City would have to be made out by the vestry clerks instead of the ward clerks, which would entail considerable expense and trouble upon the parishes, of which there were 110 in the City.

Amendment proposed, in page 10, line 22, to leave out the word "vestry," and insert the word "ward."—(Sir James Lawrence.)

SIR HENRY JAMES protested against continuing the preparation of the lists in the hands of the ward clerks, as they had frequently been found to exercise the power in the most objectionable manner. Vestry clerks would be infinitely more amenable to popular feeling. He should certainly oppose the Amendment.

MR. LOPES hoped the Committee would retain the proposal made in the Bill.

SIR SYDNEY WATERLOW hoped the Committee would adopt the Amendment proposed by his hon. Friend the Member for Lambeth. He was satisfied that the vestry clerks would be more liable to have a pressure brought to bear upon them in the preparation of the lists than the ward clerks, who were much fewer in number than the former.

SIR THOMAS CHAMBERS said, the more the jurisdiction was narrowed the more the persons who had to prepare the lists would come under the control of those whose interest it was to get excluded.

Question put, "That the word 'vestry' stand part of the Clause."

The Committee divided:—Ayes 156; Noes 60: Majority 96.

MR. GREGORY moved, in page 10, line 34, to leave out "managing director or manager," and insert "chairman, deputy chairman, or managing director."

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 30 to 40, relating to the preparation, revision, &c. of the city lists, agreed to.

Clause 41 (Extra-parochial places to be annexed to adjoining parishes) agreed to.

Clause 42 (Overseers and vestry clerks to be paid for making out the lists.)

MR. GREGORY said, this and the following clauses provided that the remuneration of these officers should be fixed by the courts of revision. He did not think the aldermen and justices should be trusted with an unchecked discretion in this matter, and moved, in line 26, at end, to add—

"and the Lords Commissioners of Her Majesty's Treasury may approve: and all such

sums shall be paid by the said Commissioners, out of moneys to be provided by Parliament for that purpose."

THE CHANCELLOR OF THE EXCHEQUER said, there was no disposition on the part of the Government to throw any increased burden on the rates, but by undertaking to bear expenses of this kind upon the certificate of the Aldermen or justices without any other security, the Treasury would be placed in an unsatisfactory position. The Amendment, although it was calculated to check expenses, might lead to the same sort of inconvenience as was already felt with regard to the charges for criminal prosecutions. What he should suggest was that this and the two following clauses should be negatived, and after discussing the question with his hon. and learned Friend, the Government would be prepared to state what they were prepared to do on the bringing up of the Report, and the clauses could then be altered.

THE CHAIRMAN said, that as these were money clauses they could not be brought up on the Report, and the Bill must be re-committed in order to introduce them.

MR. PELL asked what position the officers and the ratepayers would be in if the Government came to no arrangement with the promoters?

MR. CHILDERS suggested that the right hon. Gentleman should, before the matter again came before the House, submit an estimate of what this charge would be; because he had an impression that it would be a very much larger sum than the promoters of the Bill seemed to think.

MR. LOPES said, he did not think so large a sum would be involved as appeared to be thought. The promoters of the Bill were not asking that the Government should bear the entire charge. At present the entire cost of preparing the lists was borne by the local rates; but the Bill provided that overseers should be punishable for not satisfactorily discharging their duties, and as they were to be rendered punishable, it was thought but right that they should be remunerated for the actual labour they performed.

MR. M'CARTHY DOWNING said, that in Ireland the rate collectors and clerks of unions were paid out of the rates, which was considered a great hardship, and a deputation on the subject

waited on the Chief Secretary for Ireland last November, when he promised to take the subject into his consideration. He (Mr. Downing) expressed a hope that as the question of local taxation was to be brought forward this matter would be taken into consideration.

THE CHANCELLOR OF THE EXCHEQUER reminded the Committee that, as the Chairman told them, these clauses could not be passed now, and it was better, as he had already said, to discuss the whole subject, and bring up new clauses when the Bill was re-committed. As it now stood it was impossible to distinguish what was to be paid out of the rates and what by the Government. As to the question raised by his hon. Friend opposite the Member for Cork (Mr. Downing), his right hon. Friend the Chief Secretary for Ireland had not as yet had an opportunity of considering it, but would do so as soon as possible.

Amendment, by leave, *withdrawn*.

Clause *negatived*.

Clauses 43 and 44 *negatived*.

Clause 45 (Fines on clerks of the peace or secondary for default in duty).

MR. J. G. TALBOT moved, in line 24, to leave out after "offence," to end of clause, and insert—

"committed without reasonable cause or excuse to be allowed by the Court of Quarter Sessions, to be subjected to a penalty not exceeding twenty pounds at the discretion of the next Court of Quarter Sessions after the committing of the said offence."

He said, that his object in this Amendment was, that the Clerks of the Peace should not be at the mercy of common informers, but to leave them to the jurisdiction of Quarter Sessions, who would best decide whether they had willfully offended.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clauses 46 to 49 *agreed to*.

Clause 50 (Jury in criminal trials to be of twelve.)

MR. M'CARTHY DOWNING said, they had now come to the most important clause in the Bill, and he thought the Committee would perhaps agree that they ought not to go farther with the measure that night. He therefore moved that the Chairman report Progress.

Mr. M'Carthy Downing

THE CHANCELLOR OF THE EXCHEQUER said, the night was still early, and the attention of the Committee had been so well sustained in the consideration of the Bill that he thought it would be a pity to break off at present. He therefore hoped the hon. Member would not press his Motion to report Progress.

MR. GOLDNEY said, the matter was one of very grave importance.

And there being continued cries of "Withdraw!" "Withdraw!"—

MR. M'CARTHY DOWNING said, that as it appeared to be the wish of the Committee, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

MR. MORGAN LLOYD moved the omission of the clause, with a view to raise the question whether in civil cases the number of the jury should be reduced from 12 to seven. It was proposed by the Bill that in criminal cases the number of the jury should invariably be 12, and in cases before the county courts five; but that in all other trials whatsoever there should be a jury of seven, unless one of the parties gave 12 days' notice to the other party to the action of his intention to have the cause tried by 12 jurors. He thought this was objectionable, because the present system had been in existence for centuries, and had worked well. Experience had shown that a jury of 12 men, taken indiscriminately from all classes, was a fair representation of the common sense and general opinions of the community, brought to bear upon the facts of any particular case. The object of having 12 was to secure a variety of minds and a variety of experience, and thereby guard against the possibility of a prejudiced person unduly influencing the other jurors. It was said to be an advantage to have an odd number like seven, and no doubt it would be so if a bare majority decided the case; but if such a majority did not decide it he saw no advantage in that number. No case had been made out for the change, and the burden of proof was upon those who advocated an alteration in the present law. If a jury of seven was considered sufficient he did not see why a jury of five, or of three, or even of one, might not be sufficient; but what they wanted to secure was a variety of mind in the con-

sideration of the question, and a jury of 12 afforded more scope for that than a jury of seven. It had been argued that the change proposed by the Bill would afford relief to persons liable to serve on juries; but such relief was more apparent than real, as the number of jurors summoned could not be reduced so long as the parties to a civil case had an option to require a jury of 12, and the right of challenging the jury in criminal cases remained as at present. If jurors must attend, they might as well sit in the jury box as remain in attendance until their services were required.

Mr. FORSYTH considered that if it should be desired to retain 12 jurymen in all cases, the better way would be to strike out Clauses 50, 51, and 52. He agreed with his hon. and learned Friend, and he himself would like to have his case tried by 12 rather than by seven. But the Bill provided that no case should be tried by seven if either party required 12, and that seemed a reasonable proposal for the Committee to accept.

Mr. LOPES said, he had considerable difficulty in knowing whether his hon. and learned Friend the Member for Marylebone (Mr. Forsyth) desired that the number should be seven or 12. The question had been properly raised, and it was a difficult one to dispose of; but as he had no feeling in the matter he would acquiesce in what the accumulated opinion of the Committee expressed. All that the Bill did was, while leaving criminal cases to be tried by 12 jurors, to provide that civil cases should be tried by seven, unless either party gave notice of their intention to demand a jury of 12. The object in view was to relieve jurymen, merchants, traders, and others, from attendance in the Courts. Everyone knew how frequently *tales* had to be prayed. The case had then to be tried by a mixed jury, and the result was that the jury differed, were ultimately discharged, and the case had to be tried over again. He did not believe that juries would be worse when they were seven — on the contrary, they would consider the questions more carefully, and would work them out more for themselves; therefore the efficiency of the tribunal would not be affected. Further, he was entitled to say that the smaller number had been successfully tried in the County Courts.

SIR HENRY JAMES said, he hoped these clauses of the Bill would not be proceeded with. He admitted that those persons who were placed upon the jury list were entitled to consideration; but the Committee must remember that those who enjoyed the rights of citizenship must also bear its burdens, and whilst the duties cast upon jurymen had not hitherto been very excessive it would be reduced 100 per cent by this Bill. But would this alteration cause the law to be better administered? The argument of his hon. and learned Friend (Mr. Lopes) might be applied equally to criminal cases, for if a better verdict could be got from seven men in a civil case, surely it could also be got in a criminal case. He thought 12 was a better number of jurymen than seven. If there was one strong man upon a jury he would have greater power to override the majority. Unanimity was now obtained from juries of 12, and in almost every instance of disagreement there was some want of evidence or other reason to account for it. The leaders of the Circuits were almost unanimous against the reduction of the number of jurymen below 12.

Mr. FLOYER said, he thought it desirable to have unanimity among jurors, and as that was more likely to be obtained in a jury of seven, he approved of that number in civil cases; but in criminal cases he preferred the number 12. The reverence which existed in the country for ancient usages should make the House slow to adopt changes which marked a great departure from them.

Mr. WATKIN WILLIAMS said, he had no traditional fancy in favour of 12, but he supported that number because he thought it most conducive to the administration of justice. Rather than see this radical and organic change he would prefer the loss of this Bill altogether. It was remarkable that most of those who were in favour of reducing the number of jurymen were in favour of doing away with trial by jury in civil cases altogether. Already it had been observed that a jury of five would be as satisfactory as one of seven; and the next step would be to reduce the number to three, until it would be said that the Judge might be safely trusted to decide the cases upon the evidence. But he did not believe in Judges being ap-

pointed to determine issues of fact, and he was totally opposed to reducing the number below 12.

THE ATTORNEY GENERAL said, that speaking for himself only, and not for those with whom he usually acted, he adhered to the views of those who thought that it was not desirable to make any change in the system which had hitherto prevailed. He regarded this Bill as not intended to alter the general principles upon which our system of trial by jury was founded, but to improve the modes of giving effect to that system. The Bill appeared to him to have three main objects in view—first, to declare the qualifications of jurymen; secondly, to regulate the proceedings for making up the jury-books; and thirdly, to improve the manner of summoning the jurymen for the discharge of their duties. There were certain other minor objects which were ancillary to these, but he could not consider the subject of the number of the jury a fit one to be dealt with by this Bill, unless the advantages of a change in the number were very clearly demonstrated or there was something like a general concurrence of opinion in its favour—as neither of those conditions existed at present, he could not recommend it for adoption.

MR. SERJEANT SIMON urged that the opinion of the country was decidedly unfavourable to the alteration of the number of the jury, and that was a circumstance of which the Legislature was bound to take notice. In deference to public feeling on the subject, he must oppose any alteration in the number of the jury.

MR. SANDFORD expressed his surprise at the conclusion to which his hon. and learned Friend (the Attorney General) had arrived. [“Divide!”] As hon. Members were so impatient, he begged to move that the Chairman report Progress.

Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again.”—(*Mr. Sandford.*)

THE CHANCELLOR OF THE EXCHEQUER said, he thought the discussion had nearly reached its termination, and he hoped the Committee would be allowed to proceed to a division on the question before the House. He agreed with the Attorney General that a case

had not been made out for changing the number of the jury.

SIR THOMAS CHAMBERS thought that Progress ought to be reported. This was a most important point, and ought to be fully discussed.

MR. LOPES trusted that as this was no new question, and as it was difficult for a private Member to obtain a night for his Bill, the Motion for reporting Progress would be withdrawn until the present question was settled.

Question put.

The Committee *divided*:—Ayes 27; Noes 234: Majority 207.

MR. PEASE hoped the hon. Member would persist in his Motion. The discussion had been entirely restricted to gentlemen of the long robe, and no Member had spoken in commercial or general interests upon the question.

MR. DODDS moved that the Chairman do leave the Chair.

MR. DODSON said, he hoped the Amendment would not be pressed, after the overwhelming expression of opinion which the last division manifested. There was still ample time for hon. Gentlemen to state their views on the clause.

MR. YOUNG said, he thought that if hon. Members would confine themselves to the point, they might easily come to a decision that night.

Motion *negatived*.

Question put, “That the Clause stand part of the Bill.”

Resolved in the Negative.

Clause 51 (Juries in county courts) *struck out*.

Clause 52 (Juries in all civil cases) *struck out*.

Clause 53 (Verdicts to be unanimous)

MR. CHARLES LEWIS said, this clause opened up a new question, and he thought the discussion ought to be postponed.

THE ATTORNEY GENERAL for IRELAND (DR. BALL) said, he thought that the general feeling of the Committee was in favour of retaining the number of 12. There was no magic in that number, but ever since the commencement of the British Constitution it had been adopted, and the proposal to reduce it would be a change which might lead to dangerous innovations. The two previous clauses having been

negated, he did not see why this clause should be retained.

THE CHANCELLOR OF THE EXCHEQUER agreed with his right hon. and learned Friend, and he would suggest that the Chairman should report Progress, and when they discussed the Bill again to begin with Clause 53.

Mr. LOPES intimated that, in deference to the opinion of the Committee, although he thought much might be said in favour of seven, he was quite ready to abandon the proposal to reduce the number below 12.

Committee report Progress; to sit again *To-morrow*.

HARBOUR OF COLOMBO (LOAN)

BILL—[BILL 66.]

(*Mr. Baikes, Lord George Hamilton, Mr. William Henry Smith.*)

COMMITTEE. [*Progress 20th April.*]

Bill considered in Committee.

(In the Committee.)

Clause 3 (Interest on advance, and time of repayment).

Amendment again proposed, in page 2, line 8, to leave out the words "three and a half," and insert the word "four"—(*Mr. Whitwell*)—instead thereof.

Mr. WHITWELL called attention to the fact that a large sum of money was advanced to build a harbour in Colombo at a very low rate of interest, and he wished to know if any alteration had been made in it?

Mr. LOWTHER said, no alteration was contemplated. The hon. Gentleman was under the impression that this harbour was a colonial work, but he was mistaken; it was by no means a colonial work. The loan was guaranteed at 3½ per cent, and he thought the Committee would agree with him that it would be hardly dignified in the Government to withdraw now from that guarantee.

GENERAL SIR GEORGE BALFOUR thought the Vote ought not to be pressed.

Mr. BECKETT-DENISON said, this Bill came before the House somewhat with suspicion. What was proposed to be done on the present occasion was entirely without precedent, and they were now asked to consent to a Vote for a totally different purpose, which was also without precedent. It appeared that the late Governor, Sir Hercules Robinson,

came home, and had doubtless confidential communications with the Government, and tried to induce them to obtain the advance of money for carrying on works which were entirely for the benefit of the colony. It was certainly a colonial and not an Imperial question. The colonists came this country and asked for a loan of £500,000 at a very low rate of interest. The facility with which loans of public money had been granted for some time past was most objectionable, and a stop ought to be put to it. For his part, he was most decidedly opposed to such a course of proceeding in dealing with the public money.

THE CHANCELLOR OF THE EXCHEQUER said, the Executive Government felt themselves bound to ask the House of Commons to fulfil the engagement into which the late Government entered with the Government of Ceylon, and which they saw no reason to dispute. But it rested entirely with the House of Commons, who were totally unpledged in the matter, to say whether or not they would confirm the engagement; and he would suggest that they should pass the Bill through Committee, and that, before the Report was taken, the Correspondence on the subject should be laid on the Table, so that the House might be in a position to say whether or not they would confirm the decision of the Committee.

Mr. MONK thought the offer of the Government a reasonable one, but still hoped the hon. Member for Kendal (*Mr. Whitwell*) would persevere with his Amendment.

SIR JAMES ELPHINSTONE explained how it was that the harbour at Galle had been abandoned. The Government of Ceylon was quite willing to pay the cost of constructing the harbour at Colombo, so far as the requirements of the colony were concerned; but inasmuch as the extension of the breakwater would render the harbour available for Imperial purposes, it was but fair the House should grant a loan for that purpose.

Mr. D. MACGREGOR called the attention of the Committee to the fact that all the way round from Calcutta to Bombay there was no safe harbour. This was a serious matter for all interested in shipping, and he sincerely hoped the Committee, by passing this Bill, would make provision for at least one

safe harbour. He trusted that the change of Government would not lead to what was tantamount to a breach of faith with the people of Colombo.

Question put, "That the words 'three and a half' stand part of the Clause."

The Committee *divided*:—Ayes 88; Noes 15: Majority 73.

Clause *agreed to*.

Remaining Clauses *agreed to*.

Bill *reported*; as amended, to be considered upon *Thursday*, 4th June.

CONVEYANCING AND LAND TRANSFER (SCOTLAND) BILL.—[BILL 60.]

(*The Lord Advocate, Mr. Secretary Cross, Mr. Cameron.*)

COMMITTEE.

THE LORD ADVOCATE, in moving that the Bill be committed *pro forma*, said: I propose that the Bill should be committed *pro forma*, merely in order to admit of Amendments being made, as the result of suggestions of the different legal bodies. There is one objection which has been very much pressed upon me by many of the superiors—namely, that after the Bill passes, superiors will find it very difficult after a transfer to know who are their vassals, and to whom, therefore, they are to look for payment of their feu-duties. At present a vassal remains liable for his feu-duties, &c., to his superior until a new vassal takes out a charter. After the Bill passes, however, no charter is necessary, the infestment of a proprietor being made equivalent to a charter. It was suggested to me, on behalf of the superiors, that their object might be effected by suspending the effect of the charter, which under the Act is implied from infestment being taken by the new proprietor, till the new proprietor should intimate his acquisition of the property. My objection to this was that it suspended indefinitely the effect of the statute as regarded entry with the superior, and made that entry depend on something without the statute—namely, on a notice being given of the purchase. I feel, however, that there was some force in the objection by the superiors in this matter, and I have in the meantime endeavoured, in one of the Amendments to be added to the Bill, to apply a remedy, which, while securing that the superiors shall receive a notice of every

change of ownership, will not be open to the objection of suspending the effect of the Act as regards the implied entry with the superior. The remedy I have proposed is that the last entered vassal and his representatives shall remain—as they do at present, until an entry is taken out by the new proprietor—liable personally for payment of the feu-duties, &c., affecting the feu, until notice is given by the seller of the change of ownership. I think, looking to the benefits conferred by the statute on vassals, this is not an unreasonable requisition upon them, and I also think that it will secure all that the superior is legitimately entitled to expect in the way of notice, and of the effects which should result from neglect to give it. While I have made this proposal as the best which occurred to me, I need hardly say I shall be prepared to receive and consider any suggestions which the legal bodies or others interested may offer on this special point.

Bill *considered* in Committee, and *reported*; to be *printed*, as amended [Bill 105]; *re-committed* for *Thursday*, 4th June.

CONTROVERTED ELECTIONS—BOROUGH OF PEMBROKE.

MR. SPEAKER informed the House, that he had received from Mr. Justice Bramwell, one of the Judges selected for the Trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, a Report for the Borough of Pembroke. And the same was read, as followeth:—

"A Petition against the Return of Edward James Read, esq., for the Borough of Pembroke at the last general Election was duly presented. Application to withdraw the same was duly made to, and leave for that purpose given by, me.

"I now report to you that, in my opinion, the withdrawal of such Petition was not the result of any corrupt arrangement nor in consideration of the withdrawal of any other Petition."

PUBLIC HEALTH (SCOTLAND) SUPPLEMENTAL BILL.

On Motion of The LORD ADVOCATE, Bill to confirm certain Provisional Orders relating to Duntocher and Dalmuir, made under "The Public Health (Scotland) Act, 1867," *ordered* to be brought in by The LORD ADVOCATE and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 106.]

CHURCHES AND CHAPELS EXEMPTION (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to provide for the exemption of Churches and

Mr. D. Macgregor

Chapels in Scotland from Local Rates and Assessment, ordered to be brought in by The LORD ADVOCATE and Mr. Secretary CROSS.

Bill presented, and read the first time. [Bill 108.]

HERRING FISHERY BARRELS BILL.

On Motion of The LORD ADVOCATE, Bill to remove the restrictions contained in the British White Herring Fishery Acts in regard to the use of Fir-wood for Herring Barrels, ordered to be brought in by The LORD ADVOCATE and Sir CHARLES ADDERLEY.

Bill presented, and read the first time. [Bill 107.]

BAR ADMISSION STAMP BILL.

On Motion of The LORD ADVOCATE, Bill to amend "The Stamp Act, 1870," in regard to the Stamp Duty payable by Advocates in Scotland on admission as Barristers in England or Ireland, and by Barristers in England or Ireland on admission as Advocates in Scotland, ordered to be brought in by The LORD ADVOCATE and Mr. Secretary CROSS.

Bill presented, and read the first time. [Bill 109.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, 15th May, 1874.

MINUTES.]—*Sat First in Parliament*--The Lord Thurlow, after the death of his brother.

PUBLIC BILLS—*First Reading*--Parochial Records (Ireland)* (68).

Second Reading--Gas and Water Orders Confirmation* (52).

Report--Real Property Limitation* (39); Land Titles and Transfer* (17); Real Property Vendors and Purchasers* (55); Boundaries of Archdeaconries and Rural Deaneries* (28); Betting* (47).

Third Reading--Colonial Clergy* (43); Consolidated Fund (£13,000,000)* and passed.

ENDOWED SCHOOLS—GELLIGAER SCHOOL.

HER MAJESTY'S ANSWER TO ADDRESS.

THE LORD STEWARD OF THE HOUSEHOLD (The EARL BEAUCHAMP) reported The Queen's Answer to the Address of Friday last, as follows:—

"MY LORDS,

"I have received your Address, praying that I will refuse my assent to the proviso in the 56th clause of the Scheme of the Endowed Schools Commissioners, for the management of the Foundation of Edward Lewis for a school at Gelligaer, in the county of Glamorgan, and for other charitable objects.

"I will withhold my assent from the proviso in conformity with your desire."

SLIGO, LEITRIM, AND NORTHERN COUNTIES RAILWAY BILL.

MOTION FOR RE-COMMITTAL.

THE EARL OF BANDON moved that the Bill be re-committed. The Select Committee before whom it had been sent, felt, in the absence of any Standing Order on the subject, that they were not entitled to inquire into the nature and extent of the opposition to the guarantee clauses which the Bill contained. It had, however, been the practice of Parliament for the last 25 years to sanction such guarantees in all cases in which they were in accordance with the wishes of the counties interested. Without them some of the most useful railways in Ireland would not have been made, and he therefore hoped that the House would allow the Bill to be re-committed in order that the Committee might inquire into the nature and extent of the opposition to the guarantee proposed to be given by it.

Moved to resolve, That whereas the Committee to which the Sligo, Leitrim, and Northern Counties Railway Bill was referred, have, in the absence of any Standing Order on the subject, not felt themselves bound to inquire into the nature and extent of the opposition to the guarantee clauses; and whereas the practice of Parliament for twenty-five years has been to sanction such guarantees in cases where they have been shown to be the general wish of the counties interested, it is expedient that the said Bill be re-committed with a view to further inquiry into the nature and extent of the opposition to the guarantee.—(The Earl of Bandon.)

VISCOUNT ENFIELD said, that he was a member of the Select Committee before whom the Bill came. When they came to the consideration of the guarantee clauses, they found that in no case had any guarantee been sanctioned to which opposition of a *bona fide* character had been offered. They further found that the opposition to the guarantee in question was of that kind. Nevertheless, looking to the importance of opening up railway communication in Ireland, he was quite prepared to vote for the re-committal of the Bill, if it should appear to their Lordships that such a course was desirable.

LORD WAVENEY questioned whether the Irish grand juries had any legal power to bind the ratepayers to guarantees. He thought the House should not consent to the re-committal of the Bill unless the consideration of the Committee were limited to the merits of the Bill.

LORD INCHQUIN said, he fully admitted the usefulness of guarantees in the case of Irish railways, but he thought that if this Bill were re-committed for the purpose of inquiry into the nature of the opposition to the guarantee clauses, they were bound to give the ratepayers, who were to be made liable to the guarantee, every opportunity of making known to the Committee their opinions in respect to it. Further, he thought their Lordships would do well to establish some principle on which these guarantees might be given, so as to have some rules to guide them when Bills of this nature came before them for their sanction.

LORD REDESDALE wished to point out that in all cases where it was proposed to re-commit a Bill the form of the Motion simply was that the Bill be re-committed to the same or some other Committee. The Preamble of the Resolution was, therefore, objectionable, and the admissions of the noble Lord (Viscount Enfield) furnished the strongest arguments that could be urged against it. He had every desire to conform to the wish of the House, but at the same time they should be extremely cautious how they upset the decision of a Committee when once arrived at after due inquiry.

EARL GRANVILLE said, he did not think that their Lordships ought to re-commit this Bill. Many of them, no doubt, differed from the conclusion to which the Committee had come; but, on the other hand many railways in Ireland would not have been, nor would he, made but for a guarantee. He wished, however, to guard himself against expressing any opinion on the important question whether guarantees should be sanctioned or not. He would suggest that the Government should institute an inquiry as to whether guarantees should be given or not in any case, and if so, under what conditions. He thought that the Select Committees should have some general principles to act upon when they had to consider the question of guarantees.

LORD COLCHESTER, as a member of the Select Committee, who considered the Bill, said, he thought the re-committal of the Bill would be advisable. The Committee came to a Resolution that there ought to be strong reasons on the ground of public policy for sanctioning a guarantee; and the noble Earl (Earl Beauchamp) who pre-

sided over the Committee said that interest ought to be national, and not merely local. The Committee did not hear the evidence of the opponents of the Bill, and he himself was strongly in favour of a re-committal of it.

LORD CARLINGFORD considered that the action of the Committee was unsatisfactory, mainly because it proceeded upon principles and assumptions which appeared to be erroneous, and which had never been accepted by Parliament. The Committee seemed to have been afraid of making a precedent, while in fact they had made one, and this, a precedent which, if followed, would render the system of guarantees, in constructing Irish railways quite impossible. He felt bound to express his conviction that the majority of the Committee had for the first time laid down a new principle for application to Irish railways—namely, that the ratepayers of a county should be almost or quite unanimous in favour of a guarantee before it should be sanctioned.

EARL BEAUCHAMP said, that he regretted he had to trouble their Lordships again in reference to this Bill, but he must repeat what he said on a former evening, that it did appear to the majority of the Committee that there was a great difference of opinion amongst the ratepayers in regard to this guarantee, and that therefore it should not be sanctioned. The Committee had made no new precedent; but if they had reported in favour of the Bill they would have made a novel and dangerous precedent. He considered that the ratepayers should be protected, and that the ratepayers who had opposed this Bill should not be put to the trouble and expense of opposing it a second time. He could see no reason why the Bill should be re-committed, and therefore he hoped that their Lordships would not agree to the Motion.

THE EARL OF LEITRIM pointed out that the county town of Leitrim would be 35 miles distant from this proposed railway, and that in fact the railway would be of little or no advantage to the county. He should oppose the Motion.

Motion (by leave of the House) *withdrawn*.

Then it was *moved* that the said Bill be re-committed to the same Select Committee.

On Question? their Lordships *divided*: Contents 59, Not-Contents 54: Majority 5.

Resolved in the affirmative: Bill re-committed accordingly.

PAROCHIAL RECORDS (IRELAND) BILL [H.L.]

A Bill to make provision for keeping safely certain Parochial Records in Ireland—Was presented by The Earl of BELMORE: read 1st. (No. 68.)

House adjourned at Seven o'clock,
to Monday next, a quarter
before Five o'clock.

HOUSE OF COMMONS,

Friday, 15th May, 1874.

MINUTES.—SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS.—*Resolution in Committee—Ordered—First Reading*—Intoxicating Liquors (Ireland) (No. 2) * [114].

Ordered—First Reading—Local Government Provisional Orders * [112]: Municipal Elections (Cumulative Vote) * [113].

First Reading—Courts (Colonial) Jurisdiction * [111].

Referred to Select Committee—Holyhead Old Harbour Road, Lord George Cavendish discharged, Mr. Shaw Lefevre added.

Report—Building Societies (*re-comm.*) * [55-110].

PRISONS ACT.—EDUCATION IN PRISONS.—QUESTION.

COLONEL LEIGH asked the Secretary of State for the Home Department, Whether there would be any objection to make education compulsory amongst all prisoners in Prisons and Houses of Correction, except those confined for a less period than twenty days?

MR. ASSHETON CROSS, in reply, said, that in County and Borough Prisons the Act of Parliament, 28 & 29 Vict. c. 126, required provision to be made for the instruction of prisoners in reading, writing, and arithmetic out of the hours of labour, such as the justices might deem expedient. The Act did not apply to Government prisons, but the practice was in force. If there was anything wanted which could be supplied, he should be glad to receive a suggestion from the hon. and gallant Member.

LABOURERS' DWELLINGS (IRELAND). QUESTION.

MR. BRUEN asked the Chief Secretary for Ireland, Whether any steps

have been taken, since the month of July 1873, by the Commissioners of Public Works, Ireland, to obtain from their local inspectors answers to queries similar to those embodied in the Reports of Inspectors under the Local Government Board on the subject of Labourers' Dwellings, and which were placed upon the Table of the House last Session; and, in the event of such information having been obtained, whether he will lay it upon the Table of the House?

SIR MICHAEL HICKS-BEACH, in reply, said, the Commissioners of Public Works had received from their local Inspectors, Reports upon the subject, and he would look into them, and see if they could be laid on the Table.

SALARIES OF METROPOLITAN POLICE MAGISTRATES.—QUESTIONS.

MR. COOPE asked the Secretary of State for the Home Department, Whether, in consideration of the great extra amount of work which has been imposed on the Metropolitan police magistrates by several Acts of Parliament since 1838, at which time their stipends were fixed, he is prepared to make any, and what augmentation to their salaries?

MR. ASSHETON CROSS, in reply, said, he was not at present prepared to answer the Question.

MR. FORSYTH asked the Secretary of State for the Home Department, Whether he intends to recommend an increase of the salaries paid to the Magistrates of the Police Courts of the Metropolis?

MR. ASSHETON CROSS, in reply, said, the Government were quite aware that the salaries of the police magistrates were fixed a long time since, and that other Law Officers who now performed functions certainly not more important than those magistrates, were in receipt of much higher salaries. They thought the matter was one which deserved the greatest consideration, and it was at the present moment under their consideration.

POOR LAW UNIONS (IRELAND)—CLERKS OF UNIONS.

QUESTION.

MR. DOWNING asked the Chief Secretary for Ireland, Whether he is aware that a deputation composed of the chairmen, vice-chairmen, and other guar-

dians of Poor Law Unions in Ireland, had an interview with the late Secretary, in Dublin, in the month of November, with the object of influencing the then Government to relieve the poor's rate from the additional burdens cast upon them, by imposing on the clerks of unions the transacting of business of a national and imperial character, as under the Juries, and Parliamentary and Municipal Acts; and, whether the Government have considered the alleged grievances, and are prepared to apply a remedy?

SIR MICHAEL HICKS-BEACH, in reply, said, his attention was called to the subject by the Notice of the Question, and he had not received any representation with reference to it. The payment for business under the Juries Acts was not yet settled for England, and, therefore, he was not prepared to give any answer in relation to Ireland.

CHILI—ARREST OF A BRITISH SUBJECT. QUESTION.

MR. MUNTZ asked the Under Secretary of State for Foreign Affairs, Whether he could give any explanation relative to the proceedings of the British Minister in Chili, in demanding the immediate release of a British subject who had been imprisoned on a charge for an offence alleged to have been committed in Chilian waters, whereby the lives of many innocent persons were sacrificed?

MR. BOURKE: Sir, our information as to the transaction in question is at present incomplete. It is, however, perfectly true that the British Minister in Chili has demanded the release of Captain Hyde, imprisoned by the Chilian authorities, on the ground that the arrest was illegal; but we are not informed as to the nature of the offence alleged to have been committed by Captain Hyde. Further than that we have no information.

GUATEMALA—OUTRAGE ON A BRITISH VICE-CONSUL.—QUESTION.

MR. W. LOWTHER asked if the Government has received any information on this subject?

MR. BOURKE: Sir, information has been received at the Foreign Office, from which it appears that a gross outrage has been committed on Vice Consul

Magee, by a person in the employ of the Government of Guatemala. The telegram which contains this information also states that the Guatemala Government has since offered an indemnity, and every possible reparation. No further details have been received at the Foreign Office.

NATIONAL PORTRAIT GALLERY— LANDSEER'S PORTRAIT OF SIR WALTER SCOTT.—OBSERVATIONS.

THE CHANCELLOR OF THE EXCHEQUER: I wish, Sir, to mention a communication that has been received this afternoon on a subject of interest, upon which the hon. Member for Wexford has given Notice of a Question. I will read the letter I have received from Mr. George Scharf, Keeper and Secretary of the National Portrait Gallery. Writing to-day, he says—

"I am directed by Earl Stanhope, Chairman of the Trustees of this Gallery, to transmit, with a view of some announcement being made in the House of Commons, a copy of a letter from Mr. Albert Grant, munificently offering to present the Landseer Portrait of Sir Walter Scott to the nation. It was Lot 312 in the catalogue, and the price paid for it was £840. The picture is now, I hope, deposited in the Gallery."

The letter enclosed is as follows—

"41, Queen's Gate Terrace, South Kensington, W., May 12.

"Sir,—At the sale of the late Sir Edwin Landseer's works on Saturday last, the well-known portrait of Sir Walter Scott, painted by Sir Edwin Landseer when on a visit to Abbot'sford, was included among the pictures to be sold, and was purchased by me. The object I had in acquiring it was to present it to the National Portrait Gallery on behalf of the nation, it being considered the most remarkable portrait of Sir Walter Scott extant.

"Accordingly, I hold the picture at the disposition of the trustees of the National Portrait Gallery, and on hearing from you of their acceptance of the same, will forward it in accordance with their directions.—I have the honour to be, Sir, your obedient servant,

ALBERT GRANT.

"George Scharf, Esq., F.S.A., Secretary and Keeper, National Portrait Gallery."

THE GOLD COAST.—QUESTION.

SIR WILFRID LAWSON asked the First Lord of the Treasury, Whether he can conveniently state the date on which he proposes to give the House of Commons that opportunity of canvassing the policy of this Country on the Gold Coast which he promised should be afforded to it without delay?

Mr. M. Carthy Downing

MR. DISRAELI: The policy, Sir, of the Government with regard to the Gold Coast has been stated in Parliament by the Secretary of State, and when all the details are matured, it will be necessary for us to appeal to this House for a Vote—not for a considerable sum, but still a Vote—which will necessitate a full exposition of policy on our part, and give this House an opportunity of taking any part in regard to our policy that they may desire. That is the usual and Parliamentary mode in which the matter should be brought before the House; and I think, therefore, I have fulfilled my engagement on the subject. At the same time, if the hon. Member does not wish to stay for that accustomed opportunity, and challenges our policy in a manner which renders it on his part a duty to bring it before the House, I will give him every facility for taking that course.

MR. HORSMAN: Sir, I understand the right hon. Gentleman to say that if the hon. Baronet wishes to challenge the policy of the Government, he must make a Motion on the subject, and that he will give him an opportunity of so doing; but at the present moment the House knows nothing of the policy of the Government on the Gold Coast. The assurance formerly given to my hon. Friend was, that the moment the Government came to a definite conclusion, it should be communicated to Parliament. Now, in this House we know nothing whatever of what takes place in the other. We are in official ignorance of what is the policy of the Government, and therefore, if we wait until we go into Committee of Supply, we shall have to raise a discussion in ignorance of the question before us. I venture to suggest that this House ought to have made to it an announcement similar to that which has been made to the other.

MR. DISRAELI: Sir, the regular course—and the course we shall be prepared to follow—will be when we come to the Committee of Supply to state the policy of the Government before asking for the Vote. That is the occasion upon which the opinion of the House will be taken. I did say, perhaps, that I wished to give the hon. Baronet every facility for raising a discussion on the subject; but I think that the hon. Baronet ought to see that the Constitutional and Par-

liamentary opportunity of taking the opinion of the House of Commons upon the policy of the Government is when, in consequence of that policy, we appeal to the House of Commons to support us. Supply will not be asked for without the fullest Notice, and a complete explanation being given.

MR. ROEBUCK said, he would venture to remind the right hon. Gentleman that his promise was, as soon as the Government had come to a conclusion as to the policy to be pursued on the Gold Coast, they would make a statement to both Houses of Parliament. That had not been done. Information had been solely given to the other House of Parliament, but not to this House, and they were utterly ignorant of its nature.

MR. DISRAELI: There will be a statement made in both Houses of Parliament.

MR. HORSMAN rose again to quote from the Report the words used by Mr. Disraeli on the occasion referred to, but was called to Order by the House.

MR. SPEAKER informed the right hon. Gentleman that his Question had been put and answered.

MR. HORSMAN said, the words used by the right hon. Gentleman were, that the moment the Government had arrived at a conclusion on the subject, the Ministers who were responsible would expound in Parliament the colonial policy of the Government.

SPAIN— CAPTURE OF THE "VIRGINIUS." QUESTION.

SIR WILLIAM HARCOURT asked the Under Secretary of State for Foreign Affairs, Whether there will be any objection to lay upon the Table the Papers relating to the capture of the ship "Virginius?"

MR. BOURKE: There will, Sir, be no objection to the production of these Papers. They are ready, and will be presented in a few days with some other Papers which have been received since the present Government came into office.

SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

RAILWAYS (IRELAND)—LOCAL GUARANTEES.—RESOLUTION.

THE O'CONOR DON rose to call attention to the system of guaranteeing dividends out of the local rates in Ireland on capital invested in railways in that country; and to move a Resolution. The hon. Member said, at the present time there were certain railways in Ireland, the dividends on the capital, or part of the capital, of which were guaranteed, and guaranteed from exclusively Irish sources, although the possibility of such an arrangement seemed to be called in question in the debate on the Motion for the purchase of the Irish railways. The practice of guaranteeing dividends on Irish railways had grown up unperceived. He believed it had never received the formal sanction of Parliament, and it had been gradually increasing to such an extent that soon no railways in Ireland would be made without a guarantee. The first case he could find was that of the Galway Extension Railway, the Act for which passed in 1849, guaranteeing a dividend on a capital of £500,000. The Act in this case was a public and not a private Act, and the money was advanced by the Treasury. Then came the Killarney Junction Railway to which a guarantee on a capital of £125,000 was given; the Limerick and Ennis Railway £75,000; the Tralee Line £55,000; and the West Cork Line £66,000. All those Acts, down to 1871, had this characteristic—that the guaranteed capital was the borrowed capital, and was the first charge on the receipts from the railway, and it was not till 1871 that a guarantee on the ordinary share capital of a railway company was first heard of. In 1871, the first Bill was introduced proposing to make the ratepayers of a county responsible for dividends on the share capital of an Irish railway. Since the system of guaranteeing dividends on the capital employed in the construction of railways was becoming general, and, so far as appeared, was likely to be continued, he thought it should be placed on some intelligible and satisfactory basis, and that Rules should be laid down for the guidance both of the promoters and opponents of these Bills. He believed at the present time guarantee clauses might be introduced into any Irish Railway Bill without any approval or assent being asked for from the rate-

payers. As a general rule, the assent of the Grand Jury of the County was sought for; but as a matter of fact the constitution of the Grand Juries was such that their assent could not be taken as the assent of the ratepayers, who had to bear the responsibility. The two bodies in Ireland, who acted on behalf of the ratepayers, were the Grand Jury and the Presentment Sessions. The Irish Grand Jury, as a rule, represented the landed proprietors of the county; while the Presentment Sessions consisted of the whole magistrates of the county, with whom were associated a certain number of the ratepayers. No great weight was due to the assent of such bodies, but even this small protection was not afforded under the present Rules of Parliament. That was certainly a very unsatisfactory state of things, and he objected to the system in the first instance, because the assent of the ratepayers was not made a necessary preliminary step. He objected to it also on another ground—namely, that the ratepayers had no control whatever over the company in respect of the works for which a guarantee was given, and that was likely to lead to extravagance and waste. As he had before said, the Grand Juries were composed of the landed proprietors of the county and the Presentment Sessions of the magistrates, and a certain number of what were called the “highest cesspayers.” Those highest cess or ratepayers were selected by the Grand Jury, who also fixed the number to be associated with the magistrates at each baronial sessions. It was evident that a body thus constituted did not represent the ratepayers. In the first place they were liable to be out-numbered by the magistrates, and in the second, even if they were equal in numbers, they were not the representatives of the whole body of ratepayers, being merely the nominees of the Grand Jury; and yet they had the power of giving their assent to guarantees which might impose heavy financial burdens upon them. Would such a state of things be tolerated in this country? There was this further grievance in the matter. The Bills on which guarantees were thus granted were introduced under the guise of Private Bills, although they imposed a tax upon the general body of ratepayers. Had they been introduced as Public Bills the

ratepayers could object to them through their Representatives; but being introduced as Private Bills, they were passed, almost as matter of course, through the first and second stages without any opposition or debate, and then referred to Select Committees upstairs; and the only opportunity the ratepayers had of objecting to them was by facing counsel and going to all the expense of a Parliamentary opposition. The ratepayers, however, were a scattered body, without organization—was it to be expected that a number of ratepayers scattered all over a county or a barony would unite for such a purpose? As a matter of fact, unless some three or four wealthy persons, who had a direct interest in the matter, put their hands in their pockets and paid the costs of an opposition, there was no chance of preventing a Bill, however unpopular it might be, passing through Parliament unopposed. Under the Standing Orders relative to Railway Bills in this country no Bill could be promoted by an existing railway company unless it had the assent of shareholders representing three-fourths of the capital of that company; and what he proposed was that no Bill granting a guarantee for the construction of a railway in Ireland should be proceeded with unless it were shown that the assent of three-fourths of the ratepayers had been given—or at all events a majority of the ratepayers eligible to act with the magistrates at the Presentment Sessions. He was fully aware that that would not be a complete or satisfactory plan, and that the most satisfactory way would be to act through the medium of elective and representative bodies. The best mode in which the desired reform could be effected would be by the reform of the Grand Jury laws, which successive Governments had year after year promised to inaugurate, and had year after year neglected to perform. He was afraid they might have a long time to wait before the Grand Jury laws were reformed; but, meanwhile, if his proposal for obtaining the assent of the ratepayers was not approved of, he thought that the system of guarantees ought to be stopped altogether. He would only say that, desirous as he was of seeing railways extended in Ireland, he did think they were going the right to promote that extension by giving

these guarantees; on the contrary, they were proceeding in a course which must promote jobbery and extravagance. The practice took away every incentive to good management, for shareholders who knew that their dividends were guaranteed were not so likely to insist on careful management as they would be if the amount of their dividends depended upon the mode in which the affairs of the company were conducted. In most of the Irish railways which had not been financially successful the cause was to be found in the fact that there had been great waste and great expense in what was called "financing the line." He had a very great objection to "financing," and nothing could promote "financing" so much as saddling a district with a fixed interest on the capital of a railway, whether the line paid or not. He believed that no greater boon could be conferred upon Ireland than the extension and completion of the railway system, if economically, fairly, and satisfactorily carried out. He believed that could best be done by the local governing bodies raising the capital themselves, and getting the line made by cash. Under this system the lines could be cheaply made; contractors would be readily found to take them; and, when made, they could be let out on lease to existing companies. If the right hon. Baronet the Chief Secretary for Ireland would direct his attention to see how money could be advanced to local governing bodies rather than to the raising of money to pay off the existing debts upon Irish railways, it would be a better thing both for the ratepayers and for the country at large. He, for one, contended that if the ratepayers were to bear the burden, they ought to reap all the benefit that might accrue; and as they had no practical experience of how these guarantees would work, he believed they ought, at least, to be discouraged until such time as the ratepayers, through some representative body, could control them. The hon. Member concluded by moving the Resolution.

CAPTAIN NOLAN, in seconding the Motion, pointed out that there was a great difference between the poor rate and the county cess in Ireland. The poor rate was paid equally by the landlord and the tenant, and was levied by an elective and representative body. But with respect to the county cess, the

ratepayer had practically no representation at all—the whole power rested with the magistrates and with the small number of highest ratepayers selected in the way described by his hon. Friend. The magistrates were men of such high position that the cesspayers had no influence over them, and the highest ratepayers were not elected, but selected. The consequence was that, while there was general satisfaction with respect to the poor rates, there was general dissatisfaction with regard to the county cess. From what he had said, the House would perceive that the cesspayers were not properly represented on the sessions, with which rested the power of giving the guarantee for the construction of railroads. To a certain extent he agreed with both the Resolution and the Amendment of which Notice had been given, and should like to see both carried; but as that could not be, he should prefer the adoption of the original Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the existing system under which dividends chargeable on the Local Rates are guaranteed on capital invested in the construction of Railways in Ireland is unsatisfactory, and that no Bill containing local guarantee Clauses ought to be entertained, unless in the first instance the assent be proved of at least a majority of the ratepayers eligible for association with the magistrates at each of the immediately preceding baronial sessions of the county, and that in all future cases when the rates are thus pledged for the payment of dividends, the local governing bodies should be empowered to raise on behalf of the ratepayers the capital necessary for the construction of the Railway,"—(*The O'Conor Don*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CONOLLY thought that the hon. Member's Resolution had attacked the great blot on the Irish system of railway legislation. The granting of these guarantees to railways was a vicious system, which had arisen out of one irregular proceeding—namely, the guarantee granted to the Great Western of Ireland, in order to continue their line from Athlone to Galway. This had been used as a precedent, and there was no law authorizing this vicious procedure. These Bills passed through this House instead of allowing the rate-

payers to decide for themselves. The consequence was that a number of useless and unprofitable schemes were projected and brought before Parliament, and the ratepayers were fixed with the liability of guarantees granted by bodies on which they were not represented. He maintained that *prima facie* the promoters of railways in Ireland had no more right than they had in England to call upon the ratepayers to assist them. County rates were raised for county purposes, and ought not, in his opinion, to be diverted to any other object. He hoped the right hon. Gentleman who now so ably filled the office of Chief Secretary, would take care that this system was not allowed to continue—it was a most vicious one. Any line, however unpromising, could be promoted and carried out by means of these local guarantees, and the business had now become the nucleus of jobbing professional "promoters" of railways, wandering from county to county, seeking for guarantees to enable them to construct railways that otherwise would not be constructed at all. A case in point had recently occurred in Parliament. A Bill, authorizing a projected line of railway, was recently before a Committee of the House of Lords, which had been bolstered up by guarantees from various counties through which the line was to run. The guarantees had been sought of the Grand Juries of the counties of Fermanagh, Leitrim, and Sligo, and not from the ratepayers of those counties; but the Committee having refused to sanction those guarantees the Bill had dropped through. He was himself connected with an opposition line which, without guarantees of any sort, but solely by the energy and enterprise of its shareholders, had constructed a line of 37 miles, and had successfully worked it. They now desired an extension of that line; but they were unable to undertake it by reason of this opposition line, which had been foisted on the House by means of these vicious guarantees. Nothing could be more prejudicial to Irish railways than such a system. He could not entirely concur in the terms of the Resolution, inasmuch as while denouncing the system of guarantees in one part it proposed to restore them in another form. He objected to guarantees altogether, and he believed that if the sense of the rate-

Captain Nolan

payers was fairly taken they would never be given. The county rates should be applied for county purposes, and not for aiding impracticable railway schemes. They in Ireland had hitherto avoided the serious calamity which existed in England, and which had been so well brought before the House by the hon. Member for Devonshire, of having every description of charge placed upon the county rates. And they, with this example before them, did not intend to fall into such a mess, for which even here in England it had puzzled the Government to devise a remedy.

MR. M'CARTHY DOWNING said, he entirely agreed with the first part of the Resolution, that the mode in which guarantees on capital were now given was not satisfactory; but his hon. Friend was not well informed as to the manner in which they were obtained. He was mistaken in supposing that the Bills in question passed through this House without inquiry, and almost as a matter of course. On the contrary, he could assure his hon. Friend that there were several instances in which such Bills had been thrown out because the assent of the Presentment Sessions had not been obtained. In one instance, a railway was proposed to be made through a district for the benefit of the landed proprietors; and these proprietors imposed the whole of the rate on the occupiers, relieving themselves from all liability in the matter. It was no wonder such a Bill should be thrown out. Several Select Committees had sat on the subject of these local guarantees, and he thought the Irish people had reason to complain that the Government had neglected to act on their recommendations. The root of the evil was that the ratepayers who were associated with the magistrates in the Presentment Sessions were selected by the Grand Jurors, who could nominate their own tenants, instead of being elected by the ratepayers, who therefore had no real representation; and the only remedy would be found in legislation to improve the constitution of the Presentment Sessions. There were four companies in Ireland which had, open and at work, 151 miles of railway, and who had not demanded a shilling of the guarantee without which the capital for their construction could not have been raised; and the probable effect of the proposed

Resolution, if it had been in force, would have been to prevent the making of those lines at all. The local governing bodies referred to could raise money if it were required, but he would not trust them to do so—he would prefer to rely on magistrates and representative ratepayers associated with them. But without guarantees Ireland could not have the railways which were essential to her development. He appealed to the right hon. Gentleman the Secretary for Ireland, if he had not time to inquire into the whole subject, to bring in a short Bill altering the system of Presentment Sessions so as to give protection against jobbery, and render it acceptable to the people of Ireland. For the rest, let him leave the guarantees alone, without them, necessary railways must be made, only make provision that the ratepayers should not be held responsible for taxation without representation.

MR. H. A. HERBERT said, that since the decision come to by Parliament in the present Session on the subject of Irish Railways, there was no resource left to the promoters of railways in Ireland but guarantees; and yet Irish Members seemed anxious to cut off that resource if they could. It would now be more difficult to get guarantees than ever it had been before. He did not believe that the relation between the magistrates and the ratepayers was such as it had been represented to be—he did not believe that the magistrates overpowered the ratepayers. In his own county, at any rate, the magistrates and ratepayers understood each other, and the guarantees that had been given by both parties, share and share alike, had operated most beneficially for the interests of both.

MR. BRUEN thought it would be obvious to the House, from the discussion which had been held, that the system of guarantees had not led to any abuse. But he must go further, and say that the principle of these guarantees was an unfair one. The associated ratepayers should certainly have a voice in these matters, and no taxation should be initiated without their consent. He hoped the question would attract the attention of the Chief Secretary for Ireland.

MR. COGAN thought it would be most unfortunate for the extension of railways in Ireland if the principle of

guarantees were discountenanced. At the same time, he considered that no guarantee should be enforced on a district except with the full assent of those who would have to pay it; and, therefore, he agreed in the principle of the hon. Gentleman's Amendment. Taxation should never be allowed to fall on the occupier alone. He could not, however support the latter portion of the Resolution of his hon. Friend. He thought that the entire capital should be guaranteed on the district for all time, instead of for a limited period.

MR. O'REILLY said, that there was really no law in the matter, but it was open to the promoters of any railway to bring in a Bill containing a clause for a guarantee to be given by the county. There was no fixed or settled rule as to the guarantees to be authorized by the Grand Juries or Presentment Sessions, and formerly they were confined to giving assistance to a certain specified amount. A practice had, however, gradually grown up of extending the guarantee from debenture or borrowed capital to original capital. This was a change of very dangerous tendency. He could confirm the statement that there was now no legal necessity for obtaining the consent of the county, and no way in which the assent of the ratepayers would be ascertained; nor was there any instance of a Bill containing a guarantee clause being thrown out unless upon opposition before the Committee upstairs. Cases had been known in which individual cesspayers had been obliged to pay down the cost of opposing a Bill before the Parliamentary Committee, in the hope of being recouped afterwards by their brother cesspayers. The Private Bill Committees ought to have some guide in regard to dealing with these guarantees. It had been insisted on that some sort of consent on the part of the county should be put in, and it was the practice of Lord Redesdale to ask whether the Grand Jury and the Presentment Sessions had passed a Resolution in favour of the Bill. No security, however, existed that the Grand Jury at any particular Sessions had been duly authorized to give the guarantee in question, or that notice, even, had been given prior to the meetings of these bodies that a Resolution would be proposed in favour of a guarantee to a railway. He trusted that one result of

this debate would be that in future no reliance would be placed on these resolutions. If the practice of guarantees was to be continued, it ought to be systematized and definite, and explicit rules should be drawn up. He admitted the advantage of promoting railway extension in Ireland by a system of well-considered guarantees, but he thought the House ought not to be altogether blind to the results to which it might lead. It might tend to making the company careless of the interests of those who paid the guarantee; it might induce the construction of speculative lines to be constructed by guarantees, and lead to the most disastrous consequences in the Irish railway system. So long as adequate securities were taken that the opinion of the localities which were to be made liable were fairly consulted, and their assent obtained before any Bill could be passed by a Committee, he could not see any objection to the system of guarantees; but he thought it was the duty of the responsible Government to take up the matter, and devise some distinct plan for the attainment of the object in view, and that this should be done in time for the Private Bill legislation of next year.

THE MARQUESS OF HARTINGTON said, that without entering into the abstract question of the desirability of guarantees, he thought that in many instances they might, no doubt, be, and had been, abused; but, on the other hand, useful railways had been made by the aid of this system which otherwise would not have been constructed. He was of opinion that it ought to be left to the Select Committee to form their own judgment upon each particular case whenever it arose, and that it was utterly unnecessary for the House to adopt any general conclusion as to the advisability of guarantees. It appeared to him that there need be no difficulty in agreeing to the first part of the Resolution, which declared the existing system to be unsatisfactory. It was unsatisfactory from two points of view. In the first place, guarantees which ought not to be given might be obtained without sufficient information being laid before the Committee who considered the Bill, whether they had been obtained from the cesspayers, after full information as to the extent of the liabilities they were about to undertake.

Again, it was unsatisfactory because guarantees might appear to be refused when they had in reality been given. By a Standing Order of the House of Lords, the guarantee clauses of a Bill would be struck out unless it were proved that the assent given was unanimous. However, he (the Marquess of Hartington) thought that quite sufficient had been done by the attention that had been called to the matter in both Houses of Parliament, and he trusted that it would receive the consideration of the Chief Secretary for Ireland and the President of the Board of Trade. If the first part of the Resolution were adopted, the question might, he thought, be safely left in the hands of Her Majesty's Government. A new Standing Order would probably suffice for all that was wanted. They ought to secure full publicity, and the assent ought to be procured in some specified manner, and every opportunity be afforded for protest and examination. Besides, all this ought not to be left to the mere chance of its being an opposed Bill. In all cases, whether a Bill were opposed or not, it ought to be fully provided that all the prescribed proceedings had been gone through before that House sanctioned these guarantees. Probably the preparation of a Standing Order to that effect would not be beyond the powers of the Board of Trade, assisted by the authority of that House; and he trusted, therefore, that the House would be induced for the present to leave the matter in the hands of that Department. It was quite unnecessary at the present moment to enter into the question of the Irish Jury laws, although he could not help regretting that the Irish cesspayers were not better represented. This question was becoming a matter of more pressing importance than had been supposed, and he trusted that before taking any steps in the matter the House would wait for a complete reform being made in the Grand Jury laws.

SIR MICHAEL HICKS-BEACH said, he was satisfied that all would admit the importance of this subject, which had been brought before the House with so much knowledge and ability by the hon. Member for Roscommon (The O'Connor Don), and which had undoubtedly assumed far greater importance since the decisive Resolution at which the House had arrived this Session with re-

gard to the purchase of the Irish railways. Having declined to entertain that proposal, Parliament was all the more bound to consider what could be done to promote the extension and completion of the Irish railways. He did not wish to enter into the question of the advantage or disadvantage of the system of guarantees as a whole. Undoubtedly, there was much to be said against the system. The hon. Member for Longford (Mr. O'Reilly) had properly pointed out the very considerable distinction between guarantees of interest upon share capital and similar guarantees upon loan capital—the latter being far less a source of evil than the former. Guarantees were always liable to the objection that they might be dealt in by contractors, lawyers, and engineers for their own benefit rather than for the interest of the country through which the proposed line would run; and therefore if they were to be allowed, Parliament should take care, when sanctioning them, that those who would have to pay under them should have the fullest opportunity of giving or refusing their assent to them. On the other hand, however, it must be admitted that without the system of guarantees many railways now producing considerable benefit to Ireland would never have been constructed. It would not be right, therefore, too hastily to condemn the system, but they should do all that could be done to prevent or lessen the evils to which it might be liable. What was the Irish system of guarantees? The hon. Member for Longford had very properly described it as being no system at all. Thanks to the noble Lord the Chairman of Committees in "another place" (Lord Redesdale), whose services had been of so much advantage to the country, no Bill containing a guarantee had passed Parliament, if opposed by the cesspayers, nor unless it was sanctioned by the Grand Jury of the County. It, however, by no means followed that the assent of the Grand Jury implied the assent of the cesspayers. Having held office for so short a time, he had no desire at the present moment to enter into the merits or the demerits of the Grand Jury system of Ireland; but he might remind the House that the system was described by the Committee over which the hon. Member for Roscommon had presided

in 1867 as a pure and economical one. He could, however, see no reason why the opinion of the county Grand Jury on such a matter should represent more than the opinion of the individual landowners, of which it was composed. The mere expression of opinion by that body should not be regarded as sufficient to lead Parliament to bind the cesspayers of that part of the country to be liable to pay large sums for an indefinite number of years, in order to secure the interest on the capital of a railway company. In other matters, it was not in the power of a Grand Jury to initiate taxation at all. But while, on the one hand, the opinion of a County Grand Jury had been held as sufficient proof of the assent of the cesspayers, a very little opposition from a few cesspayers had induced Parliament to reject Bills which were widely approved of. In the case of the Sligo and Leitrim Railway Bill, which came before a Committee of the House of Lords a short time ago, there was evidence of a very large amount of popular support of the scheme. Yet that proposal was rejected by a Committee of the other House on the ground that no similar proposal had been assented to when it was opposed by any of the ratepayers. So that the case at present stood thus—that whereas a county Grand Jury, acting without proper authority, had been sometimes held sufficient to give a sanction to those guarantees, in other instances the mere opposition of a few ratepayers, who might have been set in motion by a railway company fearing competition, might cause the rejection of a guarantee. The House would admit that such a state of things was not only unsatisfactory, as the hon. Member for Roscommon put it in his Resolution, but urgently required a remedy. And when he heard the remedy suggested by the noble Lord opposite (the Marquess of Hartington), and by the hon. and gallant Member for Longford, he felt that they were entitled to call on the Government to take up that question with a view to its solution. The noble Lord had suggested that it might be possible, in the course of the present Session, to frame a Standing Order by which it should be required that notice should be given in the localities affected of any proposal for these guarantees; that full opportunity should be afforded for all the cesspayers who

were interested to make themselves acquainted with what was actually proposed; that opportunity should also be afforded for objections to be taken in the localities, instead of compelling persons to come at great trouble and expense before a Committee of that or the other House of Parliament;—and, in fact, that some scheme should be adopted for really ascertaining the opinions of the places concerned, before Parliament took any step on so important a matter. There was much in that suggestion which required careful consideration; but he would point out that at present there were no means of obtaining, through any recognized assembly, the opinions of the cesspayers on such a matter as this. He was disposed to think that the more that question was gone into the more it would be found that, for its real, fair, and proper solution, they must wait for a reform of the Grand Jury laws. Personally he should be extremely ready to devote his best and immediate attention to the subject, and, in concert with those who had had so much experience as the hon. and gallant Member for Longford and others, he would endeavour to secure, if possible, that such a Standing Order as had been suggested should be framed in the present Session. But he could hold out no promise on the subject, for the reason he had already stated. As to the proposal then actually before the House, and contained in the Resolution of the hon. Member for Roscommon, he understood that the hon. Gentleman did not intend to press it. He thought his hon. Friend would rest content with the discussion which he had raised, and with the assurance he (Sir Michael Hicks-Beach) had given on the part of the Government. It was possible that some solution might be arrived at this Session which, if it did not place the matter on a thoroughly satisfactory basis, might do away with a good many of the objections to the present most illogical system.

THE O'CONOR DON expressed himself satisfied with the result of the debate, and thanked the right hon. Gentleman for promising to give the subject his consideration. He trusted the right hon. Gentleman would not think it right that the present anomalous state of things should go on indefinitely in the prospect of its being remedied when they

Sir Michael Hicks-Beach

had a reform of the Grand Jury system. After what had been said he was willing to withdraw his Motion.

Mr. MITCHELL HENRY hoped the right hon. Baronet would devote his immediate attention to that subject, in which case the Irish Members would be extremely grateful to him and the Government.

Mr. MACARTNEY also expressed his extreme satisfaction at the statement of the Chief Secretary for Ireland, and hoped that representation of the rate-payers, now a mere shadow, would be converted into a substance.

Amendment, by leave, *withdrawn*.

BOARD OF TRADE—RAILWAY INSPECTORS—CAPTAIN TYLER.

QUESTION.

Mr. GOLDSMID, in rising to ask the President of the Board of Trade, Whether there is any precedent for an Inspector of Railways under the Board of Trade taking employment under private persons in connection with Railways, whether during leave of absence or at any other time, and to call attention to the subject, said, he could assure the House that until he had put his Notice on the Paper he had no acquaintance with Captain Tyler, to whom he was about to refer, and further, that he had no interest whatever in the railway with respect to the condition of which Captain Tyler had been employed to report. It was well known that the Erie Railway Company was one of the most speculative undertakings in the United States, and its shares had for years past been the sport of "the bulls" and "the bears," being run up one day and down the next by the one party or the other, for the purpose of realizing profits. A considerable number of persons in this country were greatly interested in it; and by one party of them Captain Tyler, one of the Government Inspectors, had been retained and had obtained leave of absence, with a view that he should proceed to America and examine into and report upon, the condition of the railway in question. The right hon. Gentleman the President of the Board of Trade stated the other evening that he had nothing whatever to do with the manner in which Captain Tyler was

about to employ his holiday, and that after two years' constant work he was entitled to a holiday. He (Mr. Goldsmid) did not at all dispute that fact; but what he said was, that a Government Inspector, although on a holiday, was a Government Inspector still, and that anything he did—particularly in reference to a railway—would, on account of his official character, carry all the more weight with it. Why, he asked, had Captain Tyler been so employed? It could not be for want of eminent engineers in America or in England fit to undertake the duty. He believed it was, because whatever Captain Tyler did would carry the Government mark about it, and would be calculated to induce people either to buy or to sell shares. His report, would, in short, be marked with the Government broad arrow. It was, therefore, he thought, the duty of the President of the Board of Trade to see how Captain Tyler proposed to employ himself during his holiday, as it was obvious that the Board of Trade itself might be compromised. Officers of the Army or Navy could not accept private employment without the assent of the Commander-in-Chief, and it would be desirable to lay down some such rule in reference to Civil Servants. In any case, a gentleman whose official duties might require him to sit in judgment upon the great railway companies of this country ought not to be mixed up in any way, directly or indirectly, in a concern in which directors of those companies might be interested. He had no doubt whatever that Captain Tyler would report fully and truly what he believed to be the case; but still it could scarcely be, that suspicion would not be thrown upon his report, or that it would not be used for the purposes of speculation. Up to within the last few years, it was the well-understood practice that no person should be employed as an Inspector under the Board of Trade who was a director of a railway company, or even indirectly connected with a railway company, or who held shares in one. That rule had been departed from in the case of Captain Tyler, because he was deputy-chairman of the Grand Trunk Railway Company of Canada, and was also a director of the Piræus Railway Company. He did not desire or mean to attack the honour of Captain Tyler, who, he believed, had

endeavoured to carry out his duties to the best of his ability; but every one, even unconsciously, was liable to prejudice, and was more inclined to speak well of a friend than of an enemy. If Captain Tyler might take service under private persons and receive pay from them, why should not other Government officials do the same? and where would it end? The principle acted on in this case he believed to be a mistaken one, and therefore he begged to ask the right hon. Gentleman the Question which stood in his name, and to add to it the query whether there were any precedents for such employment?

SIR CHARLES ADDERLEY said, that though he was sensible that the employment of leave of absence given to public officers, in particular ways might be open to serious question, yet he believed it would be difficult to lay down such a rule as the hon. Gentleman suggested. There existed no regulation on the subject of permanent officers of the Civil Service not taking employment if they so thought fit, during the time at their disposal when on leave of absence. The subject was a difficult one, and deserved consideration; but, for his part, he thought that no hard-and-fast line should be laid down in reference to it. Each case should, in his opinion, rest on the discretion of the responsible head of the particular Department in which the officer was employed, and he was willing to bear the responsibility in this case. The principle which he had laid down for himself, and acting on which he had given his sanction to Captain Tyler employing his holiday in the manner referred to, was that no officer of the Civil Service should take any employment which was at all inconsistent with his duty to the Government, or which would occupy time or strength due to Government, or which would in any way compromise his relations to the Government, of which he was a servant, but that when the employment he undertook was not inconsistent with such duty, and could not lead to any such compromise, his engaging in it was not only justifiable, but might be extremely desirable. He could quite conceive that brief employment, such as that in question, of a Royal Engineer in the line of his own profession in another country might very much improve his knowledge of his business, and it might, therefore,

Mr. Goldsmid

be even detrimental to the public service if he were refused the leave which in this instance had been asked for and granted. [Mr. Goldsmid: I did not ask you to refuse.] The whole question was, whether properly or not, he (Sir Charles Adderley) had sanctioned it. However that might be, the hon. Gentleman seemed to think that the whole time and strength of a public servant was so completely due to the Government that either he should have no holiday at all, or should spend it in complete idleness to recruit his strength. A man of active mind would be none the better if compelled to spend his holiday in absolute idleness. The hon. Gentleman's argument in that respect reminded him of the Yankee employer, who, finding his workman in a long fit of sneezing, exclaimed—"I do not give you a dollar a-day to waste my time in sneezing." He seemed to forget that by such a rigid rule an officer might be tempted to escape to freer life and occupation just at the moment when his services had become most desirable. As regarded precedents for the particular case in point, he could cite a number of cases in which officers of the Board of Trade, and even the President of the Board himself, had acted as arbitrators even between railway companies in this country. The Erie Railway had been described as a speculative concern. Well, no doubt, it was formerly in bad hands; but it was now trying to get itself into good hands, and competent investigation and publication of its affairs was one of the modes by which it was endeavouring to attain that object. The company desired to get the report of an eminent engineer on the state of the works and plant, and accordingly, they consulted the hon. Member for Portsmouth (Mr. T. C. Bruce), who recommended Captain Tyler as the most impartial and competent man to make the report, and the company acted upon his suggestion. As the hon. Member for Rochester (Mr. Goldsmid) admitted, nobody could suspect Captain Tyler of giving an unfair or biassed report, and how, then, could a true and authoritative report damage any honest interest? According to the report, the shares of the railway would either go up or down, and a statement of actual facts would promote only the interest of those who wanted daylight and truth. Surely the

hon. Gentleman did not represent any interests that would fear a plain statement of facts. Under those circumstances, he certainly did not feel called upon to refuse leave of absence to Captain Tyler, or to make any objection because he intended to occupy his time in inspecting the Erie Railway. On the contrary, he thought that officer could hardly spend his holiday better, for the interests both of the railway and of the Board of Trade. It might be desirable to lay down a rule to regulate the Civil Service in this particular; but he could not suggest any; and if any were made, it should be an elastic one, and laying down general principles, as he had attempted to do, leave each case to the discretion of the responsible head of the Department.

MR. MACDONALD thought the statement of the right hon. Gentleman the President of the Board of Trade was highly unsatisfactory, for, in his opinion, the permission ought not to have been given, neither ought the engagement to have been undertaken by Captain Tyler. However, the affairs of the Erie Railway Company would for the first time be in good hands. He failed to perceive that Captain Tyler's undertaking could be a laudable one, unless we were to allow all our Railway Inspectors to inquire into bankrupt lines in America, which would be very reprehensible.

MR. GREENE said, he thought the hon. Member for Rochester had done right in bringing the question before the House, for he certainly objected to any Government Inspector of Railways holding property in any railway company; but, taking a common-sense view of the subject, he could not see that the Government had a right to dictate to a public servant how he should spend his holiday, as long as the duties he undertook did not affect the office he held in England. In America matters were not conducted quite so carefully as in England, and it was not unnatural that the Erie Railway Company should ask a gentleman holding a high official position to report on the affairs of the line.

MR. D. DAVIES said, there was not a more able man in England than Captain Tyler, whom he had known for many years, and he warmly approved of the permission granted to him. The House ought to be thankful to him for going to America, for however eminent

a man might be, there was always something for him to learn, and in this case he had no doubt that Captain Tyler would return to this country with some new and useful ideas. There was just another point on which he wished to say a word. Captain Tyler was not half paid by the Government, not half so well paid as many men were by the railway companies who employed them, and of whom he was the equal in every respect.

MR. SHAW-LEFEVRE said, there was not a more able man in the service than Captain Tyler, but, on the whole, he did not think it was desirable that Railway Inspectors should be employed in work of this kind. During the time he was at the Board of Trade, and his right hon. Friend the Member for Birmingham (Mr. Bright) was at the head of that Department, this subject was accidentally discussed, with reference to Captain Tyler himself. At that time he was Deputy Chairman of the Grand Trunk Railway Company. The conclusion at which his right hon. Friend arrived was, that it was not desirable that a Railway Inspector should be connected with railway companies, even if they were foreign. But as the permission had been granted by a former President, and as it was represented that the office which he held was only temporary, therefore no action was taken on the occasion. His right hon. Friend, however, gave instructions that it was not desirable that Railway Inspectors should be employed in that manner. He could not agree with his right hon. Friend opposite that it was desirable that Railway Inspectors should be employed in such work as he had referred to. Captain Tyler, he was sure, would give an impartial report, but it would have the official stamp of an Inspector of the Board of Trade. It was true that there was no general rule laid down at the Board of Trade, and, indeed, it was not desirable that there should be such a rule; but he could not help thinking that if the right hon. Gentleman (Sir Charles Adderley) had thought more about it, he would in this case have withheld his consent.

COLONEL BARTHELOT said, he agreed very much with what had been said by the hon. Member for Reading (Mr. Shaw-Lefevre). It was known that the railway company referred to was the

most speculative affair going. As Captain Tyler had received permission from his right hon. Friend, he exonerated that gentleman from blame; but the discussion, he thought, would do good, as it was a subject which deserved serious consideration.

MR. T. C. BRUCE said, that as the right hon. Baronet had mentioned his name as having recommended Captain Tyler, he must explain how it came about. He had no sort of interest in the Erie Railway, and did not care whether the shares went up or down; but it happened that the present directors of the Erie Railway Company, being desirous that their books should be examined, and the condition of their line inquired into, asked him if he knew anyone whom he could recommend to undertake the task. He told them at first that if they wished to have an impartial report of the state of their affairs, the best thing they could do was to apply to the Board of Trade to allow one of the Railway Inspectors to go out to Canada. He gave them that advice because Railway Inspectors were accustomed to that kind of work, and were men of integrity. Afterwards, remembering that Captain Tyler had had connection with American railways, he mentioned that gentleman's name, and on being applied to, he said he could do the work during his holidays. He knew it was not the first time Captain Tyler had done something of that kind. Captain Tyler was now, and had been for some time, a director of the Grand Trunk Railway Company, and at one time that company's stock was a subject of very considerable speculation. No application was made to the Board of Trade; but an arrangement was at once entered into with Captain Tyler. This was only a question of degree, and he (Mr. Bruce) thought if Railway Inspectors were employed abroad during their holidays on business similar to that which was their regular work, their usefulness in this country would be increased. He did not think that the fact of Captain Tyler being a Government Inspector would make much difference in the value of his report upon the Erie Railway Company's affairs. Captain Tyler's experience in conducting such investigations was greater than that of any gentleman. Moreover, his connection with the Grand Trunk Railway Company had made him ac-

quainted with the American system of railways.

THE CHANCELLOR OF THE EXCHEQUER said, the question raised by the hon. Member for Rochester (Mr. Goldsmid) was really part of a very large and very difficult question, which was continually cropping up—namely, how far gentlemen who were in the employ of the Government were to be held entitled to take other employments. As far as he could see at present, no rule could be laid down, and the matter must be left to the discretion of the heads of Departments. He should be glad, if it were possible, to lay down a rule on the subject; but the difficulties were so great, and cases shaded off so in relation to each other, that he did not see how it was to be done. The question had arisen with reference to the writing of books, sometimes containing information derived from official sources, and deriving importance and value from the position the writer held in the public service. We might go on from one thing to another, and lay down positions which would render it difficult indeed to take a stand and say we were not to advance to the next position. The right hon. Member for Birmingham (Mr. Bright), when his attention was called to the matter, did not think it necessary to require Captain Tyler to give up his connection with the Grand Trunk Railway, or to lay down a rule that no one should take such an appointment hereafter. The hon. Member for Rochester seemed to think the later engagement undertaken by Captain Tyler was the more objectionable, and accordingly rested his case upon it; but, comparing the two, and considering the second merely as an undertaking to report on a foreign line, apart from its particular character, the temporary undertaking seemed less questionable than the permanent appointment. Of course, no one doubted the questionable character of the Erie Railway; but, according to the explanation just given by the hon. Member for Portsmouth (Mr. T. C. Bruce), the intentions of those who were now charged with the management of it appeared to be unobjectionable. The question was, whether it was prudent that a Government officer should be allowed to render a service which in itself was by no means open to censure or question. That was of course a ques-

Colonel Barttelot

tion of discretion. It was put to his right hon. Friend in this way—"I am going abroad; have you any objection to my undertaking this job?" And it could never have appeared to him that in saying, "We have no objection," he was in any way giving the sanction of the Government to what Captain Tyler was about to do. It would be unfortunate if it should be supposed that there was any Government sanction for Captain Tyler undertaking this business. Nothing could be more unfortunate than having it supposed that when officers of the Government undertook private business they carried with them their official character. In the matter of books, remonstrances had been made against expressions and arguments used by gentlemen connected with the public Departments by which those Departments were supposed to be compromised. The conclusion he drew was that, if we allowed public servants to take part in private business, we ought as far as possible to make it clear that they undertook it on their own private account, and that the Government was in no way responsible. We must make it clear that such business was undertaken by them in their private capacity, and not as representing their offices. If the application had been made to the President of the Board of Trade for an officer to inquire and report, it would have been impossible that the application could have been entertained; but it was a different thing when the officer said—"I am going abroad; I mean to do so and so," and the Minister replied—"I do not object, but you must do it on your own responsibility." It was quite right that attention should have been called to the subject by the hon. Gentleman, and he could assure him it was one that continually caused the Government thought and anxiety.

INDIA—THE AMIR OF KASHGAR. OBSERVATIONS.

SIR CHARLES W. DILKE, in rising to call attention to the necessity of a recognition of the Independence of the Amir of Kashgar, and of a delimitation of his territory, said, the subject was brought before the House a year ago; and therefore he would now speak only of the present and the future, and not of the past. A few days ago, in reply

to a Question, he was informed by the noble Lord the Under Secretary of State for India (Lord George Hamilton) that Mr. Forsyth had concluded a Commercial Treaty with the Amir, but that it had not yet reached this country, and therefore it could not be stated whether the Treaty recognized the Amir's independence; but the noble Lord must have been aware that such a question could not have been left entirely to Mr. Forsyth, who must have been explicitly instructed either from the Foreign Office, the India Office, or Calcutta. We had taken immense pains to close our Indian Empire on the side of Afghanistan, as it were, with a side-door, to which the territory of Kashgar was the front door, and beyond that, the great importance the Russians attached to questions of boundary, and the way in which they watched our proceedings on this side of India quite as much as they did on the other, invested this matter with more importance than many which occupied the attention of the House. With reference to the independence of Yakoob Khan, the Amir of Kashgar, it must be remembered that he was looked upon officially as a mere rebel against the Chinese power, and that our Government, by making a Commercial Treaty with Yakoob, did not by that act alone recognize his independence. In dealing with European Powers, a Commercial Treaty would have been a recognition; but a very different state of things was found in Central Asia. Russia, for instance, made arrangements, called Treaties, with the small Princes on her boundaries, whose sovereignty at other times of her history, she entirely repudiated. Our recognition only showed that we regarded him as a successful rebel or robber chief; and Russia also took distinctly that view of his position. The Chinese Government, so far from abandoning the territory, had appointed a Governor of the Amir of Kashgar's dominion, a commander-in-chief, and there was an army which, however, existed only on paper. It would be found, on consulting the latest maps, that the position of Yakoob Khan was most precarious. An elaborate map in the last number of *The Edinburgh Review* marked the Russian frontier round the Amir of Kashgar's dominions as running along the tops of mountains and through the centre of the passes; but since then

the Russians had penetrated to the southern slope of the mountains, and they commanded the whole of the passes, and might be at the capital of Kashgar only five days after a declaration of war. The Russians had forces at Fort Naryn, at Kouldja, and at Fort Vernoe, so that there were 8,000 Russian troops within distances varying from three to 10 days' march from Yakooob Khan's capital. It was true that Russia had of late appeared friendly to the ruler of Kashgar; but she had never recognized him, and it was quite possible that a change for the worse might arise from the expected appointment of a new Governor of Turkestan, in which case, the Treaty said to have been made with the Amir by Russia might, like many others, be only an arrangement which might be repudiated at any moment. There was no expectation that Russia would occupy Kashgar ostensibly on her own account, but it was conceivable that she might do so on behalf of China, and it would come to the same thing, for such an occupation would equally excite the native mind in India, as if Russia had occupied Kashgar herself. In fact, whether the occupation was by Russia or China, the tranquillity of British India would be equally menaced. The object he had in view in calling attention to this subject was to give the noble Lord the Under Secretary of State for India an opportunity of explaining how far Her Majesty's Government were aware of the importance of preserving Yakooob Khan's power in Central Asia, and of stating whether they were prepared to recognize his independence more formally than they had hitherto done.

MR. FORSYTH said, the Question of the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) seemed to imply that he did not consider the present Ruler of Kashgar independent; but the very fact of our having sent an envoy to the Amir proved the independence of that country, for we should not send an envoy to what the hon. Baronet called a "robber chief." [SIR CHARLES W. DILKE said, he put the expression into other people's mouths. He did not use it as his own.] He understood the hon. Baronet to infer that the Chinese looked upon Kashgar as their own, and the Amir as a mere usurper; but the fact was that with regard to the Chinese they had been themselves mere usurpers,

having conquered the territory about a hundred years ago, and been at last expelled by a rising of the people. When the Chinese domination came to an end, a member of the old ruling family was set on the throne; but he proved himself so utterly unfit for the position that one of his chief officers—no other than Yakooob Khan—was placed by the people at the head of affairs. Since that time Yakooob Khan had been the undisputed Ruler of the country, and the Chinese were regarded by the people as having had no right to be there at all. The hon. Baronet seemed to be very much afraid of the approach of Russia, but anyone who looked at the map would see that Russia was separated from Kashgar by a series of almost impassable mountains. On three sides Kashgar was bordered by lofty mountains, not less, perhaps, than 18,000 feet high, and to the East there was a trackless desert; while the passes nearest to the capital, on the Russian side, were at least seven marches off. His (Mr. Forsyth's) brother, who was now returning from a Mission to Kashgar, had written a private letter to him, in which he said that he had the most complete assurance the Amir would give no just cause of offence to his neighbours; that the British Mission was perfectly understood by him to be a mission of peace, in which unfriendly feelings towards Russia had no part; and that care had been taken to impress upon him that England, Russia, and Turkey, with whom he had now entered into friendly relations, would treat him with consideration only so long as he acted strictly up to engagements, ruled with justice and mercy, and treated all traders with equality. He would further say that the people of Kashgar were strict Mussulmans. They looked up to the Sultan of Turkey and were not at all likely to throw themselves into the arms of Russia, and he could assure the hon. Baronet that there was no cause for alarm about the present position of that country. There was a vigorous and able Ruler at Kashgar who was perfectly willing to treat both with England and Russia, and the only rivalry between the countries ought to be a peaceful commercial one.

LORD GEORGE HAMILTON said, he had, in the first place, to congratulate his hon. and learned Friend (Mr. For-

Sir Charles W. Dilke

syth) on the success which, through the energy, tact, and ability of his brother, had attended the Mission to Kashgar. When the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) the other night put a Question with regard to the Treaty which had been concluded with the Amir, the text of that Treaty had not been received at the India Office, and he (Lord George Hamilton) thought it best to be cautious in what he said, because there were at times difficulties in interpreting Treaties, and he wanted to defer his Answer until he had had an opportunity of seeing it. It had now been received, and if it was moved for, there would be no objection to lay it on the Table. In the Preamble of the Treaty the Amir was recognized as distinctly as words could do it, for it was there stated that the engagements were entered into with the Amir of Kashgar and his heirs and successors. That fact afforded a sufficient answer to a leading part of the inquiry of the hon. Baronet. If the hon. Baronet would refer to the Correspondence laid on the Table last Session, he would find, at page 11, that Sir Alexander Buchanan, writing on the 2nd of November, 1869, to Lord Clarendon said, he had a conversation with Prince Gortchakoff, in the course of which Prince Gortchakoff told him that Mr. Forsyth had—

“Spoken to him of the expediency of establishing friendly relations with Kashgaria, and the Government of the Atalik Ghazee, but he said that though that Ruler might have established a Government *de facto*, Russia had Treaties with China, and could not enter into diplomatic relations with a successful insurgent against the authority of the Chinese Emperor.”

Sir Alexander Buchanan somewhat combated that view, and Prince Gortchakoff replied that—

“The Atalik Ghazee had nothing to fear from Russia; but, as the Government had no relations with him, and the Government of India appear to have dealings with him, ‘you can assure him on my authority that Russia has no hostile intentions towards him, or any desire to make conquests in his territories.’”

And in a despatch of the same date, signed by Mr. Forsyth, that gentleman reported an interview he had had with Prince Gortchakoff, in which the Prince said to him that—

“If Yakoob Bey proved a good neighbour, the Russians would be happy to trade with him, and possibly hereafter, if he entirely established his independence, they might be induced to enter into negotiations with him.”

He had so far established his independence that Russia, it was to be supposed, had felt itself justified in 1872 in entering into a commercial treaty with the Atalik Ghazee. The hon. Baronet asserted that commercial treaties in Asia did not mean very much. That was a view which it was somewhat difficult to combat; but he (Lord George Hamilton) might, at all events, answer that commercial treaties in Asia were valued and meant as much as any other class of treaty. With regard to the delimitation of the Atalik Ghazee's territories, the hon. Baronet would admit that only under certain circumstances was the delimitation of territory possible; one condition rendering it possible was that they should have the consent of the Ruler whose territory it was sought to define. Now, the Atalik Ghazee had not intimated to the Government of India any wish that his territory should be defined. Moreover, he was informed that the Chinese Government had recently sent an army with the view of recovering certain territories which the Amir of Kashgaria had acquired, and thus at that moment the Amir was at war with China. Therefore, under present circumstances, it would be impossible for the Government of India to act independently, without the sanction of the Amir of Kashgaria, and suggest to him that it should define his territory when, very possibly, that course might not be palatable to him; and even if it were palatable, the fact that he was engaged in a war with the Chinese placed insuperable difficulties in the way of such a proceeding. He trusted the explanation would be perfectly satisfactory to the hon. Baronet, for he thought it would show that, at least, the first portion of the hon. Baronet's Question had been complied with; while with regard to the second portion, the difficulties interposing had been shown to be such that he hoped the matter would not be pressed further.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee).

(1.) £18,827, to complete the sum for the Paymaster General's Department.

(2.) £19,481, to complete the sum for the Public Record Office.

(3.) £3,926, to complete the sum for the Public Works Loan Commissioners and West India Islands Relief Commissioners.

(4.) £36,455, to complete the sum for the Registrar General's Office, England.

(5.) £363,380, to complete the sum for Stationery and Printing.

(6.) £20,697, to complete the sum for the Office of Woods, Forests, and Land Revenues, &c.

(7.) £37,159, to complete the sum for the Office of Works and Public Buildings.

(8.) £20,000, to complete the sum for Secret Services.

(9.) £5,330, to complete the sum for the Exchequer and other Offices in Scotland.

(10.) £10,475, to complete the sum for the Fishery Board (Scotland).

(11.) £4,930, to complete the sum for the Lunacy Commissioners (Scotland).

(12.) £5,605, to complete the sum for the Registrar General's Office, Scotland.

(13.) £15,248, to complete the sum for the Board of Supervision for Relief of the Poor, and for Public Health, Scotland.

(14.) Motion made, and Question proposed,

"That a sum, not exceeding £5,941, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses."

MR. ANDERSON said, Queen's Plates came under the Vote, and since it was last discussed a Committee on the subject of Horses had sat in "another place," and the evidence given before it went to show that the money spent in Queen's Plates was of no use whatever in improving the breed of horses, and that it was doubtful if it contributed even to the amusement of the people. Stronger evidence they could not possibly have, and as the only ground on which these Queen's Plates had been defended was that they improved the breed of horses, he thought they might now be done away with. He should, therefore, move that the Vote be reduced by £1,562, being the amount given for Queen's Plates in Ireland.

Motion made, and Question proposed.

"That a sum, not exceeding £3,929, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses."

—(Mr. Anderson.)

MR. SULLIVAN said, he was glad to find that the hon. Member for Glasgow (Mr. Anderson) had been awakened when the Irish Votes were reached. They had just cantered through the Scotch Votes without a single question or objection from the hon. Gentleman, or any quarter of the House; but the moment the Irish Votes were reached, the hon. Gentleman's conscience appeared to be touched. He trusted the hon. Gentleman would allow Irish Members to settle for themselves what was most in consonance with the wishes of the Irish people as to their public amusements; and it was, to say the least, questionable taste on the part of the hon. Member to renew this conflict year after year. For his part, he had little sympathy with the sporting world, and thought the money might be better applied in Ireland; but the question here was, whether it should not be disallowed altogether. It was not conducive to the interests of Ireland that her interests should be watched over by the hon. Member for Glasgow, and he protested against the intermeddling of would-be economists from the North in the internal affairs of that country.

MR. MONK dissented from the doctrine laid down by the hon. Member who had just spoken. That was a question of principle and not one as between Scotland and Ireland, or between Scotch and Irish Members. It was, also, one which had been repeatedly discussed during many years past by English and Scotch as well as by Irish Members. There was no Vote for Queen's Plates in England, and if the Committee should decide to refuse the Vote for Irish Plates, he would, on the Report, move for the rejection of the Vote of £218 for the Scotch Plates. The Report of the Select Committee which had sat in "another place" to inquire into the subject of the horse supply, showed that no good in reference to the breeding of horses had resulted from the Queen's Plates, one half of which were walked over for by celebrated racers.

MR. MITCHELL HENRY was glad to believe that now that they had a Conservative and sporting Government in power, the Vote could not be successfully attacked. The right hon. Gentleman at the head of the Government once said, and said with great truth, that the Irish people were discontented because they were not amused. The amusement of horse-racing was all the more acceptable to them, that the race-course was the only place in Ireland where all classes, rich and poor, met together; and if it did not with them possess all the virtues of the sport, it certainly was deprived of many of the vices which attended it in England. The wise Government which was now in power would certainly not lend its countenance to the striking out of the Vote.

MR. BRUEN supported the Vote, remarking that there was perfect unanimity of opinion among the Irish Members on the subject.

MR. WHITWELL said, a Blue Book had been published, the result of an elaborate investigation in "another place," from which it appeared that some of the best breeders in Ireland had given evidence that these Plates were a discouragement to the breeding of good horses. He had had experience of what a good Irish horse really was, and would recommend the Chief Secretary to see whether in future years a larger sum might not be applied in a manner which would be more likely to further the object which these Queen's Plates were originally intended to promote.

THE ATTORNEY GENERAL FOR IRELAND (**DR. BALI**) said, that Scotch views and Irish views by no means coincided, and that, he supposed, arose from a difference in the nature of things. The whole of Scotland could not produce a race worth going to; but in Ireland were to be seen many admirable races, and admirable horses, and large crowds of every class looking at them. When people came to legislate for a country, they should legislate for it according to its tastes and habits. He had not that Scotch objection to racing which the hon. Member for Glasgow (**MR. ANDERSON**) had. There was scarcely a more charming sight than might be seen on the Curragh, with a number of first-rate horses contending together, and charming ladies looking on, assisted by enthusiastic crowds of people. He had not

the economical spirit of the hon. Member for Glasgow; but even if he had, he should think that a few hundred pounds might be very well spent in the encouragement of this popular sport.

MR. CALLAN doubted whether the right hon. and learned Gentleman who had just spoken had ever been at the Curragh Races. He had himself been at the Curragh, and, though an Irishman, he must say he had never seen charming ladies there, neither did he think them well attended. ["Oh, oh!"] Hon. Gentlemen might cry "Oh!" but he would tell them that at the Punchestown Races and the Ward Hunt Cup Race, he had seen more charming ladies than either at Epsom or Glasgow. He would suggest that half the money should be allocated to heavy weight-for-age races, for the Vote, as it was now applied, tended to produce a class of weeds not at all creditable to the country.

VISCOUNT GALWAY said, he did not know whether races improved the breed of ladies, but they certainly did the breed of horses. As a master of hounds, he must say he was very much indebted to Irish horses. An hon. Friend of his intended to bring under the notice of the House the whole subject of the breed of horses, for it was a question whether it had deteriorated or not. He should support the continuance of the present Vote, at all events, until the subject could be inquired into by a Committee or Commission; but it might be doubted whether it would not be better to devote the sum hitherto given to Queen's Plates to the establishment of a really good stud in Ireland.

MR. ALEXANDER BROWN suggested that the money voted for Queen's Plates would be much better applied in prizes for superior stallions and brood mares at agricultural shows, of which there was a short supply in England as well as in Ireland. He would vote with his hon. Friend the Member for Glasgow (**MR. ANDERSON**).

MR. GREENE, as one who was sensible of the advantage derived from good Irish horses, would support the vote, and at the same time, he must protest against any hon. Member for Ireland objecting to Scotch Members opposing this Vote. It was an united Parliament, and every hon. Member had a right to take part in its discussions. If that was not so, he would ask his hon. Friends

from Ireland, whether they had not sometimes better abstain from coming there. There were divisions at times when he should feel the absence very agreeable. He objected to steeple-chasing; but he liked to find Irish gentlemen at least united in riding over the land, and he should therefore prefer voting the money for fox-hunting.

MR. BUTT quite admitted the point made by the hon. Member who had just sat down, with reference to the absence of the Irish Members. The Irish Member would certainly not object to withdraw altogether—indeed, that was what they wanted—to go back to their own country and attend to their own affairs. He should, therefore, calculate with confidence on the vote of the hon. Member when the subject of Home Rule was brought forward.

MR. ANDERSON thought the discussion had shown one thing, and that was the marvellous ignorance of the right hon. and learned Gentleman the Attorney General for Ireland on the subject of racing. He seemed to think they knew nothing of horses or horse-racing in Scotland; but there were at least as good races in Scotland as any in Ireland, and it was seldom that the Derby was run without a Scotch horse being among the favourites, if, indeed, a Scotch horse was not the winner. He made the Motion not because he grudged the money, or because the Vote was an Irish one; and if a pledge were given that the destination of the money should be reconsidered, with a view to give it in a direction that would really improve the breed of horses in Ireland, he would willingly withdraw it. If not, he must press it to a division.

MR. STARKIE supported the Vote, thinking that the money ought to continue to be applied as it had been hitherto.

Question put.

The Committee divided:—Ayes 28; Noes 146; Majority 118.

Original Question put, and agreed to.

(15.) £21,989, to complete the sum for the Chief Secretary for Ireland, Offices.

MR. BUTT called attention to the recent decision of the House in favour of assistance being given to Irish fisheries, and asked, in what way effect was to be given to it?

Mr. Greene

SIR MICHAEL HICKS - BEACH said, he was not in a position to give an answer at present.

MR. BUTT inquired whether the Irish Government were prepared to treat the Resolution as a nullity?

MR. GOLDSMID thought it would be more courteous of the hon. and learned Member not to press for an answer, after what had been said by the right hon. Gentleman.

MR. BUTT said, he did not know why the hon. Gentleman the Member for Rochester interfered. He (Mr. Butt) was quite as competent to judge of what was courteous as the hon. Member, and must decline to accept the instructions of a new Chesterfield. He meant nothing discourteous, and he was sure the right hon. Gentleman would acquit him of any such intention.

SIR MICHAEL HICKS - BEACH repeated that he could not give an off-hand answer.

Vote agreed to.

(16.) £350, to complete the sum for the Boundary Survey, Ireland.

(17.) £1,987, to complete the sum for the Charitable Donations and Bequests Office, Ireland.

MR. BUTT observed that there was scarcely a Board for public purposes in Ireland of which the Judges were not *ex officio* members. That was not the case in England, and it ought not to be the case in Ireland. The Judges were on seven charitable Boards out of 13. In his opinion, the Judges ought to be strictly confined to the functions to which they were appointed, and in that case they would be more appreciated. They might be called upon on the Bench to review their own decisions, and this fact was calculated to shake the confidence of the Irish people in the administration of justice in Ireland.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, he would admit that in the case of the Education Board the suggestion of the hon. and learned Member for Limerick ought to be considered; but he could not conceive any public body of which it was more important that some of the Judges should be members than the Board of Charitable Donations and Bequests. The decision of the Commissioners on all questions arising at the Board was final, and

it was therefore of importance that the ablest men should take part in its deliberations.

MR. BUTT said, he entirely disagreed with the right hon. and learned Gentleman in that view. Were the Judges sitting at that and other Boards to decide without counsel? If they were to, that very practice would destroy their fitness for their proper functions. A Judge, too, might give advice to the Board, and, if that advice were wrong, how could he sit on a case in which the consequences of his own wrong advice would come before him? He knew of a more important matter in which a Judge had been a party to the proclamation of a district, and afterwards sat on circuit in a Court in which the legality of the proclamation was called in question. Such a practice was a degradation of justice, and he protested against it.

MR. LAW sympathised with the objection taken by his hon. and learned Friend the Member for Limerick, but remarked that the Judges acted as Commissioners under an Act of Parliament.

MR. CALLAN inquired whether it was not the case that other Judges besides those appointed by the Act were members of the Board?

MR. MITCHELL HENRY said, that four other Judges did so act. The English Judges were not placed in such anomalous positions, and the Irish Judges only were so, in consequence of the strange system of Government which existed in the country. Every Government appointed its own political partisans, and thus those Boards acquired a political character.

THE CHAIRMAN reminded the hon. Gentleman that the question before the Committee was the Vote for Charitable Donations and Bequests, and that a discussion as to the Judicial Bench in Ireland was not germane to the subject.

MR. MITCHELL HENRY said, he would confine his remarks to the Board of Charitable Bequests. Many questions would come before that Board as to the allocation of charitable funds to Protestant or Roman Catholic charities; and the appointments made, if not really tinged by political influences, were believed to be so tinged by the people of Ireland. For that reason, he thought the Judges ought to be relieved from that particular function.

MR. C. E. LEWIS said, the Board performed in Ireland the same functions as were discharged by the Charity Commissioners of England. No counsels' fees could be charged before them, though their jurisdiction extended over hundreds of thousands of pounds, and there was no litigation. The grievance of hon. Gentlemen opposite appeared to be that Irish Judges were appointed to the Board; but the practice in England was to appoint Judges to various Commissions directed by the Crown. The hon. and learned Member for Limerick was also trying to make a grievance out of the Board of Donations and Bequests, but with very bad effect, because if he could not trust his own Friends for such a purpose, how could he trust them for the higher national purposes to which he desired that they should be called?

MR. BUTT did not say that Irish Judges were not as fit to be members of the Board of Charitable Bequests as English Judges to be Charity Commissioners. But as an Irish barrister, he wished to see Irish Judges, like the Judges in England, secluded from everything but their proper duties, and then they would be removed from all suspicion and distrust.

Vote agreed to.

(18.) £91,297, to complete the sum for the Local Government Board, Ireland.

(19.) £4,364, to complete the sum for the Public Record Office (Ireland) and Keeper of State Papers, Dublin.

MR. SULLIVAN called attention to the necessity of applying without loss of time a sum of money to the translation of Gaelic manuscripts, such as the "Annals of Ulster," the "Boyle Annals," and the "Annals of Innisfallen." They had lost those eminent Irish scholars, Dr. Todd, Professor O'Currie, Professor O'Donovan, and Dr. Petrie, and if the translation was not soon proceeded with they would have no persons left able to do the work.

SIR MICHAEL HICKS-BEACH said, the subject had not before been brought under his notice. It was one of great national interest, which he should be most anxious to promote, and he could assure the hon. Member it should have his best attention.

Vote agreed to.

(20.) £22,917, to complete the sum for the Office of Public Works, Ireland.

Mr. BUTT called attention to the circumstance that a third Commissioner had not been appointed. Sir Richard Griffiths had retired on a superannuation allowance, and was nominally one of the Commissioners, but since his retirement there had never been a meeting of the Board. He should wish that these Boards should be presided over by an officer having a seat in the House.

Vote agreed to.

(21.) £19,617, to complete the sum for Registrar General's Office, &c. Ireland.

(22.) £43,323, to complete the sum for Law Charges.

(23.) £154,398, to complete the sum for Criminal Prosecutions, Sheriffs' Expenses, &c.

(24.) £143,945, to complete the sum for the Court of Chancery.

(25.) £59,895, to complete the sum for the Common Law Courts.

(26.) £37,617, to complete the sum for the London Bankruptcy Court.

(27.) £359,600, to complete the sum for the County Courts.

(28.) £76,332, to complete the sum for the Courts of Probate and Divorce.

(29.) £10,335, to complete the sum for the Admiralty Court Registry.

(30.) £4,370, to complete the sum for the Land Registry Office.

(31.) £11,898, to complete the sum for the Police Courts, London and Sheerness.

(32.) £197,227, to complete the sum for the Metropolitan Police.

THE CHANCELLOR OF THE EXCHEQUER, in reply to an hon. Member, explained that before the additional charge for the metropolitan police could be asked for from the Committee, a Bill must be brought in sanctioning that charge. A measure for that purpose would be introduced shortly.

Vote agreed to.

(33.) £310,098, to complete the sum for the Police, Counties and Boroughs (Great Britain).

(34.) £386,224, to complete the sum for Convict Establishments in England and the Colonies.

(35.) £87,420, to complete the sum for County Prisons, &c. (Great Britain).

(36.) £175,543, to complete the sum for Reformatory and Industrial Schools (Great Britain).

(37.) Motion made, and Question proposed,

"That a sum, not exceeding £26,724, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England."

MR. MITCHELL HENRY, in rising to move that the Vote be reduced by the sum of £14,834, in order to place it on the same scale as the similar State Criminal Lunatic Asylum in Ireland, said, that until 1849 criminal lunatics in Ireland were always treated as prisoners, and were confined in the ordinary convict prisons; but in that year the Irish Government proposed to establish a separate lunatic asylum for them, and accordingly the asylum at Dundrum was established, and had proved a great blessing to the country and had done its work admirably. The consequence of its success was that a similar establishment was set up for England at Broadmoor. That criminal lunatic asylum contained 563 inmates, whereas the Irish Asylum contained only 180 inmates, but the expenses of the Broadmoor Asylum were £31,724 a-year, whereas those of the Irish Asylum were only £5,371 per annum. Thus, while the number of patients in the English establishment was only three times that of the Irish establishment, the expenses were six times as great. Therefore, no candid Member of the Committee who knew the circumstances, would deny that there was something to complain of in the matter. He did not intend to criticize the management or the condition of the Broadmoor Lunatic Asylum. It would suffice to say that its management had been exceedingly expensive and unsatisfactory for a number of years. It was formerly under the management of the Director of Convict Prisons, and that management drew forth the remonstrances of the Lunatic Commissioners. Of late years, however, a great change had been made in its management. One hon. Member of that House, who would doubtless make some observations on the subject had taken great interest in the establishment, and the last report was that the institution was managed as well as it

possibly could be. With regard to the expenses, however, he could only say that, seeing that the same class of persons were confined in the English and Irish establishments, it was a mystery how so large an expenditure should be required for the support of the English institution when so much smaller a sum sufficed for the maintenance of the Irish institution. At Broadmoor there was one attendant for every three or four patients. He did not say that was too many. That was a point on which he would rather take the opinion of his hon. Friend below him (Mr. Walter). These attendants had very onerous, difficult, and dangerous duties to perform, and it was necessary that such officers should be highly paid; but if they were highly paid in England, why should they not also be adequately paid in Ireland? In Ireland they had only one attendant to between seven and eight patients, whereas at Broadmoor, as he had before observed, there was one attendant for every three or four patients. Again, at Dundrum the salaries were quite inadequate, the salary of the highest attendant being only £40; while at Broadmoor the chief attendant had £160, seven principal attendants had £74 each, and the lowest attendant, £34. At Broadmoor there was a chaplain having a salary of £400 a-year, while in Ireland the chaplain had only £60; the Roman Catholic chaplain at Broadmoor had £50, while in Ireland the Roman Catholic chaplain had only £40. There was a steward at Broadmoor with a salary of £300, while the corresponding officer at Dundrum received only £45, and in conclusion, he must repeat that at Broadmoor the patients were three times as many as at Dundrum, while the expenditure was six times as much. Two years ago when he brought forward this question the Government promised to give their attention to it, but nothing had come of that promise. He quite understood that the management of a criminal lunatic asylum required a large expenditure, and it was no doubt in consequence of the high salaries that were paid at Broadmoor that they were not troubled with those changes of officers which were perpetually occurring at Dundrum. He begged to move the Amendment of which he had given Notice—that the Vote be reduced by the sum of £14,834.

Motion made, and Question proposed,

"That a sum, not exceeding £11,890, be granted to Her Majesty, to complete the sum necessary to defray the charge which will come in course of payment during the year ending on the 31st day of March 1875, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England."—(Mr. Mitchell Henry.)

COLONEL BARTELOT said, he was very much surprised that the hon. Member for Galway (Mr. Mitchell Henry) made the Motion on the Vote for Broadmoor Criminal Lunatic Asylum. He admitted that he had nothing to find fault with; he had done nothing but commend the management at Broadmoor. He did not say there were too many officers, or that their salaries were too high, and yet he asked the Committee to reduce the vote by the sum of £14,834. He must repeat that the hon. Member for Galway, who only wished to raise the expenditure at Dundrum, ought to have brought forward his Motion on the Vote for Dundrum. At the same time, he (Colonel Barttelot) could not help thinking that the expenditure for Broadmoor Criminal Lunatic Asylum was enormously large. Each criminal lunatic at Broadmoor cost the sum of £57 per annum; at Dundrum the cost per head was £30; while in the Sussex County Asylum each lunatic was kept for £25 14s., and the average cost throughout the country was £26 5s. Last year they were promised that careful attention would be given to the subject; but instead of a diminution, there had been an increase of expenditure—the estimate this year being £31,724 against £30,492 last year. He would call the attention of his hon. Friend who had the management of the matter to the importance of something being done to reduce the expenditure at Broadmoor. Something was said about the farm last year; he supposed it had been this year a losing concern; at all events they should have a debtor and creditor account with regard to it.

Mr. WALTER believed his hon. Friend the Member for Galway (Mr. Mitchell Henry) referred to him as having, as he supposed, taken some interest in Broadmoor, being on the Council of Supervision of that asylum, and he thought he could give the Committee some little explanation regarding it. He must say he almost wished that the Forms of the House had permitted

his hon. Friend to make his Motion in the form of an addition to, rather than a subtraction from the Vote, because it was quite clear from the whole tone of his speech that what he was really driving at was not so much to diminish the expenditure at Broadmoor, as to make some addition to the expenditure at Dundrum. And he was bound to say, if he had taken that line even more strongly, he would have had some justification for the proceeding; because it was perfectly true the Lunacy Commission in their Report spoke in very strong language of the inadequate salaries at Dundrum, and attributed to these small salaries the constant annoyance and inconvenience of the resignations of their officers by the servants of that establishment. On the other hand, the Lunacy Commission spoke in high terms of the effect produced on the officers of Broadmoor by the more liberal salaries received there, and stated that it was no doubt chiefly owing to that circumstance that the authorities of Broadmoor were spared the trouble and the country the inconvenience and risk of a frequent change of officials. He must correct one mistake his hon. Friend had made in his figures. He stated that the whole expenditure at Broadmoor was £32,000, while at Dundrum it was only £5,400, in round numbers; but his hon. Friend did not seem to have had his attention called to the fact that in the £5,400, £2,400 was not included, which would be found debited to Dundrum in the estimate of "works on public buildings, for fuel, rent, and furniture." That item, however, was included in the Broadmoor estimate; so that the sum actually voted for Dundrum was not £5,400, but £7,800. That was the sum paid for the maintenance of Dundrum Asylum. That would alter the rate of cost per head of the inmates at Dundrum from £31 to £43, leaving an excess of cost for the patients at Broadmoor over Dundrum of only £14 per head. Therefore if his hon. Friend desired to make an exactly just comparison, so as to equalize the rate per head of the two establishments, his proposed reduction should be only £7,800, instead of £14,834. The truth was, Broadmoor was a costly establishment, and he would tell the Committee why. There were two quite different classes of criminal lunatics. There was the criminal lunatic

who committed crime because he was a lunatic—who murdered, perhaps, his wife and family because he was insane. At Broadmoor a very large portion of the inmates were convicts—men who had become mad in consequence of their crimes while undergoing their sentences at Pentonville and other places, and had been sent to Broadmoor. Those were the most formidable class that had to be dealt with. That dangerous element was at Broadmoor in the proportion of 25 per cent, whereas it was only 10 per cent at Dundrum. That necessitated a much larger staff of attendants. It was by far the most serious element in the expenses, and, in fact, the charge for attendance amounted to about £9 6s. a-head in excess of the other charges at Broadmoor. The cost of the patients or criminals at Broadmoor was about £14 a-head more than the cost per head at Dundrum. He should be glad if the expense at Broadmoor could be largely reduced, but he very much feared there was no probability of that. With regard to the remarks of his hon. and gallant Friend opposite (Colonel Barttelot) as to the increase in the charge for Broadmoor this year, that arose from the increase in the price of coal, and it could not be helped. Those were the material points which he wished to mention to the Committee. He believed it might be highly desirable to increase the salaries of the officers at Dundrum, but that was not the question before the Committee. After the explanation he had given, he trusted his hon. Friend would not think it necessary to persevere in his Motion.

MR. MITCHELL HENRY said, that what he really wished to impress upon the attention of the Government was the extremely low salaries at Dundrum, which varied from £18 to £25 a-year for the attendance, while at Broadmoor they ranged from £38 to £55.

SIR MICHAEL HICKS - BEACH said, he had an opportunity, of which he gladly availed himself, when in Ireland not long ago, of inspecting the asylum at Dundrum. As far as he was able to judge, no institution could be better conducted. The whole matter with regard to the salaries of the various officers employed at Dundrum Asylum, their numbers and position, had been already inquired into by the Departmental Committee of the Treasury appointed by the late Government. Re-

Mr. Walter

commendations had been made by that Committee as to the necessity of making some alteration in the constitution of the various departments of the asylum, and the matter at present was in the usual course of Correspondence between the Irish Government and the Treasury.

MR. RAMSAY said, he could not understand why criminal lunatics cost £57 a-head, while in Scotland the average cost of ordinary pauper lunatics was from £26 to £27 a-year. He thought the Committee should have some clearer explanation of the causes of this great difference.

MR. MITCHELL HENRY expressed his readiness to withdraw his Motion.

MR. ASSHETON CROSS said, he would not go fully into the expenses at Broadmoor Asylum that night. His hon. Friend the Member for Berkshire (Mr. Walter), who was connected with the asylum, had made an interesting statement on that subject. There was a very great difference between the expense attending the safeguard of dangerous and criminal lunatics at Broadmoor and the expense of maintaining ordinary pauper lunatics. At the same time, he could assure his hon. Friend opposite (Mr. Mitchell Henry), and also his hon. and gallant Friend (Colonel Barttelot), that this question of the expense of the asylum at Broadmoor had been lately brought under his notice, although not in time to enable him to make a thorough inquiry into the whole matter, as he should have liked, before this Vote was presented to the Committee. He would consider whether steps should be taken to remove the dangerous part of the lunatics from the asylum, in order that they might be taken care of elsewhere, and more cheaply. Before the Vote was presented to the Committee next year, he would do all he could to ascertain whether any expense could be saved in this matter, and he would state next year what had occurred.

MR. FLOYER said, the hon. Member for Berkshire (Mr. Walter) had given very valuable information to the Committee with regard to the asylum at Broadmoor. At the same time, he thought the outlay on that institution should be largely reduced. What he specially objected to was the number of clerks in it, as compared with the number of clerks in ordinary lunatic asylums. If there were dangerous lunatics in

Broadmoor, the stores in it were not more dangerous than the stores in ordinary lunatic asylums, but the number of officials connected with the store department at Broadmoor was double the number of officials connected with the store department in ordinary lunatic asylums, and he thought half of the officials must be helping the other half to do nothing.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(38.) £15,480, to complete the sum for Miscellaneous Legal Charges.

(39.) £58,420, to complete the sum for Criminal Proceedings, Scotland.

MR. DILLWYN complained that the salaries of the Lord Advocate, the Solicitor General, and other officials were spread over different Votes, and their amounts were not easily seen.

MR. W. H. SMITH said, the point should be considered in preparing the Estimates next year.

Vote *agreed to*.

(40.) £50,375, to complete the sum for Courts of Law and Justice, Scotland.

MR. DILLWYN asked the reason for the great increase in Sheriff Courts?

MR. RAMSAY inquired whether Sheriffs' clerks were paid for their whole services by the Treasury, or were at liberty to charge fees for their services at Parliamentary elections?

MR. W. H. SMITH said, he understood the increase on Sheriff Courts was due to a change of arrangement, by which certain salaries had been removed from the Consolidated Fund, and placed on the Votes. Also certain officers, hitherto paid by fees, were in future to be paid by salaries, but as the fees were to be paid into the Exchequer, there would be no real increase in expenditure, although the Vote was increased. The other question was new to him, and he could not answer it.

Vote *agreed to*.

(41.) £26,254, to complete the sum for the Register House Departments, Edinburgh.

(42.) £20,497, to complete the sum for Prisons and Judicial Statistics, Scotland.

Motion made, and Question proposed,

"That a sum, not exceeding £65,163, be granted to Her Majesty, to complete the sum

necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, of Criminal Prosecutions and other Law Charges in Ireland."

MR. SULLIVAN expressed a hope that the consideration of the Vote would be postponed on account of the absence of the noble Marquess (the Marquess of Hartington) the late Chief Secretary for Ireland. He desired to pass some comments on it, which he would prefer to make in the presence of the noble Marquess.

MR. BUTT said, that was really a very serious matter, and in the absence of the noble Marquess the Vote ought not to be taken. In it there was a very large sum, he believed £5,000, for expenses and charges in actions brought against the police, and amongst others against the noble Marquess and Colonel Lake, Chief Commissioner of Police in Dublin, arising out of the attacks made upon people assembled in public meeting in the Phoenix Park, Dublin. It would be impossible to allow the Vote to pass without considerable discussion, and at that late hour—half-past 11 o'clock—it would be impossible to discuss it, and he should therefore move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Butt.*)

MR. W. H. SMITH hoped the hon. and learned Gentleman would allow the Vote to be taken. Looking into the Vote, he saw that there was a decrease of £22,000 in the Vote that year, and, therefore, it was hardly probable it included any of the expense to which reference had been made. If Notice had been given of the hon. and learned Gentleman's intention to object to the Vote being taken, he was sure the noble Marquess would have been present.

THE CHAIRMAN said, that the Vote having been put could not be postponed.

MR. BUTT assured the hon. Gentleman that the expense was really included.

MR. W. H. SMITH pointed out that there was nothing to prevent hon. Members discussing the matter on the Report, and expressed a hope that the business in which they were now engaged would not be interrupted.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, the sum voted last year was £71,922, and the sum asked for this year was £49,922. The sum referred to had reference to the Vote of last year. He agreed that the question could be discussed on the Report.

SIR MICHAEL HICKS-BEACH said, he would inquire about the £5,000. He did not think there was any portion of it in the Vote.

THE CHANCELLOR OF THE EXCHEQUER said, he also thought it would be better to take the Vote, and challenge it on the Report.

MR. SULLIVAN said, the Vote involved the question of the propriety and validity of taking a Vote of Indemnity in that House for an illegality committed by persons serving under the Crown.

MR. DODSON said, it was to be regretted that Notice had not been given of the intention of hon. Members to challenge the Vote, and then the noble Marquess would have been present, and the Government would have made the necessary inquiries. He suggested that the Vote should be withdrawn.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, the decision of the Exchequer Chamber in Ireland was in favour of the Marquess of Hartington.

MR. W. H. SMITH said, he would postpone the Vote.

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

(43.) £37,497, to complete the sum for the Court of Chancery, Ireland.

MR. MITCHELL HENRY asked, what became of the salary of the Lord Chancellor of Ireland when the Great Seal was in Commission?

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) replied that it was kept in the Exchequer for the benefit of the nation.

Vote agreed to.

(44.) £24,088, to complete the sum for the Common Law Courts, Ireland.

(45.) £6,840, to complete the sum for the Court of Bankruptcy, Ireland.

(46.) £10,692, to complete the sum for the Landed Estates Court, Ireland.

(47.) £9,663, to complete the sum for the Court of Probate, Ireland.

(48.) £1,690, to complete the sum for the Admiralty Court Registry, Ireland.

(49.) £13,875, to complete the sum for the Registry of Deeds, Ireland.

(50.) £2,643, to complete the sum for the Registry of Judgments, Ireland.

(51.) £113,231, to complete the sum for the Dublin Metropolitan Police.

(52.) £885,268, to complete the sum for the Constabulary of Ireland.

MR. WHITWELL pointed out that there was a decrease of seven in the number of sub-inspectors, of 29 in the number of head-constables, and of 1,155, or 10 per cent, in the number of constables this year as compared with last year.

Vote agreed to.

(53.) £34,350, to complete the sum for Government Prisons and Department of the Registrar of Habitual Criminals, Ireland.

MR. SULLIVAN called attention to the importance of having medical officers of perfect independence and public reputation in their profession to see that no undue severity was practised towards the inmates of convict prisons; for the present treatment, in some instances, was, it appeared from official reports, calculated to make the prisoners insane. He had no charge or imputation to make against individuals, but he had against the system, and the system alone. Take one instance. The former medical officer of Mountjoy Prison—a man of great eminence in his profession—having fearlessly discharged his duty in that respect, had been shelved, and another medical officer appointed in his place who, having no practice or professional status outside at stake, and being resident in the prison, was—he used the words in no sense to disparage the individual gentleman in question, but to describe the position—a mere medical warder or officer under the control of, and, in fact, the creature of the prison authorities, in so far as he was totally dependent upon them. It was desirable that they should have medical officers who possessed a professional character outside of those establishments, and whose bread and butter did not altogether depend upon their official position. He trusted that the Committee would remember that the light of day in the shape of public opinion never penetrated into a Government

convict prison, and that it was a living tomb for the prisoners.

MR. BULWER said, he congratulated the Committee on the advent of certain hon. Members from Ireland, who found nothing too high or too low for their vituperation. On one night it was directed against a learned and distinguished Judge upon the Irish Bench; on this, the hon. Gentleman opposite had singled out a more humble person, the surgeon of a convict prison for his attack. In neither case was the victim present to defend himself, and, under such circumstances, to make attacks, was neither generous nor manly.

MR. SULLIVAN denied that a single phrase offensive to the gentleman in question had fallen from his lips. ["Oh, oh!"] He had only spoken of the system.

MR. BULWER reminded the hon. Gentleman that, among other assertions, he had asserted that the gentleman could not do his duty, because he was the creature of the prison officials.

SIR MICHAEL HICKS-BEACH said, that he had never heard a more unfair attack than that made by the hon. Member for Louth, who, without alleging a single definite charge against an officer whom he had not even named to the Committee, said that officer was a creature of the officials of the prison, and that he had no out-door character at stake; and then endeavoured to shield himself by saying that he had made no personal charges against the officer. After that, he (Sir Michael Hicks-Beach) would leave it to the Committee to decide what value could be placed upon statements of the hon. Gentleman.

MR. MITCHELL HENRY contended that his hon. Friend the Member for Louth (Mr. Sullivan) had spoken only of the system, though he had mentioned one particular prison. When he practised as a member of the medical profession, one of the fundamental rules was that the Government always appointed an independent medical officer outside to visit Millbank and see that the regulations were carried out. The medical officer resident within a prison was usually a young gentleman, and he could not be so independent as a medical practitioner in private practice. He regretted that the right hon. Gentleman the Chief Secretary for Ireland had so soon caught the unworthy tone given to

the debate by the hon. and learned Member (Mr. Bulwer), who said that nothing was too high or too low for the vituperation of the Irish Members. It was all very well for hon. Members opposite who disappeared from the House about 7 o'clock to dinner, and re-appeared about midnight, to indulge in inarticulate animal noises. ["Order," and "Chair!"]

THE CHAIRMAN hoped that the hon. Gentleman would withdraw the expression, for he must feel that it was hardly a proper remark to address to the Committee.

MR. MITCHELL HENRY said, he was willing to withdraw the word "animal," although he did not think there was much to complain of. The noises to which he referred were not articulate, and they proceeded from human beings, and, as human beings, were animals, he thought they were fittingly described as inarticulate animal noises when they interfered with the freedom of debate, but his hon. Friend (Mr. Sullivan) was quite justified in complaining of the removal of the medical officer, and the appointment of a resident surgeon directly responsible to the Executive. Such a proceeding would not be permitted in England, and, in his opinion, nothing could be more unwise.

SIR EARDLEY WILMOT could appeal to every Member of the Committee whether the right hon. Gentleman the Secretary for Ireland had not always used the most courteous and conciliatory language where Irish Members were concerned. The course taken by those Members, however, was such as to alienate from them the sympathies of those who sincerely desired the well-being of Ireland.

MR. DODSON thought that the hon. Member for Louth did not deserve the attack made on him. He had disclaimed making any personal attack upon the medical officer, and only found fault with the system of not having a medical officer resident outside of the prison, and responsible to public opinion.

MR. HUNT said, that the assertion that this medical officer was only the creature of the prison officials was not an attack upon the system, but an expression directed against a gentleman which would have been resented if he had been present, and which was calculated to give great pain to a member of

an honourable profession. For that reason, hon. Members who had heard it used were perfectly justified in objecting to it. He, however, fully accepted the hon. Member's disclaimer, when he said that he intended no personal attack.

MR. DILLWYN thought that the right hon. Gentleman who had just addressed the meeting—[*Laughter*—he begged the Committee's pardon for calling it a "meeting," but he was sure that the hon. Member for Louth who addressed the meeting—[*Renewed laughter*—meant only to attack the system, and not the character of the medical officer. He contended that the effect of the system was to destroy the independence of the medical officer.

MR. HORSMAN said, that misunderstandings would occasionally arise; but it was the practice of the House to accept such a disclaimer as had been given by the hon. Member for Louth, who, although he had expressed himself with a good deal of vehemence, did not intend to cast a personal reflection upon the medical officer in question, and therefore did not deserve the severe censure which had been passed upon him.

SIR COLMAN O'LOGHLEN desired to reply to a remark which had fallen from the hon. and learned Gentleman the Member for Ipswich (Mr. Bulwer). The hon. and learned Gentleman had stated that no man, from a Judge to the humblest person in the land, was safe from vituperation in this House. He understood the hon. and learned Gentleman referred to the Motion which he (Sir Colman O'Loghlen) had brought forward a few nights since in relation to Mr. Justice Lawson. He wished, in answer to that observation, to say, with every respect to the hon. and learned Member, that he considered himself the best judge of his own conduct, and while he had the honour of a seat in that House he would always discharge what he believed to be his duty.

MR. BULWER said, he could assure the right hon. Baronet that he had not heard his speech the other evening. All he had heard was the speech of the hon. Member for Louth, who appeared to him to have been very unjustifiably severe upon the learned Judge. However, as he understood the observations made by the hon. Member to-night, were intended to be used only in a "Parliamentary sense," he would express a

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hope that anything he might have said would receive the same interpretation.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) complained that the present Government had to defend the transactions of the late Government. The salary of this medical officer was voted last year; but no objection was made by the patriots who now took exception to the appointment. Not one whisper was heard so long as the Government responsible for these acts remained in power; but the moment a change took place, he and his right hon. Friend were treated as the authors of these proceedings. He doubted the sincerity of those who had sat silent on the former occasion; but the remark did not apply to the hon. Member for Louth, who was not in the House at the time.

MR. MACARTNEY thought he had a right to complain that hon. Gentlemen from Ireland on the opposite (the Opposition) side assumed to themselves the exclusive privilege of representing their country, for there was a considerable number of hon. Gentlemen on that (the Ministerial) side who represented Irish constituencies, and who did not concur in the opinions expressed by hon. Gentlemen opposite, or approve of the uncalled-for attack which had been made upon the Chief Secretary. He had risen to say that every Member of that House, who was interested in Irish public affairs, spoke uniformly in praise of the right hon. Gentleman, for his constant courtesy, and the ability with which he performed his duties.

MR. BUTT said, he could assure the hon. Gentleman that the only attack made upon the right hon. Baronet existed in the mind of the hon. Gentleman himself. He regarded the system complained of as unfortunate; but it was absurd to look at the raising of a discussion of the kind as a party question, or as an attack upon the Government.

SIR MICHAEL HICKS - BEACH said, he had not for one moment supposed that any attack was intended, either upon Her Majesty's Government, or upon himself. The attack appeared to be made upon a Gentleman who was absent, and who seemed to have discharged his duty well, and that circumstance led him to resent it with a little greater warmth than was perhaps called for. On the general question, he quite understood that some objection might be

felt in Ireland to the discontinuance of visiting physicians, and the matter should on that account have his attention.

MR. SULLIVAN begged most unreservedly to withdraw the word "creature," which had given so much offence, and to say—as he had most distinctly declared when using it—that he had not intended to apply it in any way to the derogation of the dignity or character of a gentleman of whose name even he was ignorant.

Vote agreed to.

(54.) £74,174, to complete the sum for County Prisons and Reformatories, Ireland.

(55.) £4,371, to complete the sum for Dundrum Criminal Lunatic Asylum, Ireland.

(56.) £1,841, to complete the sum for the Four Courts Marshalsea.

(57.) Motion made, and Question proposed,

"That a sum, not exceeding £57,166, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for certain Miscellaneous Legal Expenses in Ireland."

MR. CALLAN complained of the sums of money given to Chairmen of Counties, and moved that the Vote be reduced by a sum of £7,300.

Motion made, and Question proposed,

"That a sum, not exceeding £49,856, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for certain Miscellaneous Legal Expenses in Ireland." — (*Mr. Callan.*)

SIR MICHAEL HICKS - BEACH said, the Vote was settled by the late Government, under whose consideration the matter had been for some time.

SIR COLMAN O'LOGHLEN said, that the Vote was increased by the allowance made to Chairmen of Counties for discharging certain duties under the Land Act.

MR. C. E. LEWIS urged the expediency of doing justice to clerks of the peace, whose claims he was glad to know the Government were willing to consider.

SIR MICHAEL HICKS-BEACH expressed the desire of the Government to

do what they could to meet the justice of the case.

Question put, and *negatived*.

Original Question put, and *agreed to*.

House *resumed*.

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

INTOXICATING LIQUORS (IRELAND)

(No. 2) BILL. LEAVE.

FIRST READING.

Acts read; *considered* in Committee.

(In the Committee.)

SIR MICHAEL HICKS-BEACH, in moving "That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Laws relating to the sale of Intoxicating Liquors in Ireland," said, that at that late hour he would not detain the House by any explanation of the measure, but he hoped hon. Members would allow the Bill to be introduced, and he would not take the second reading until after Whitsuntide.

MR. SULLIVAN hoped the right hon. Gentleman would give them as long a day as he could to consider the Bill in Ireland.

SIR MICHAEL HICKS - BEACH said, he hoped the Bill would be in the hands of hon. Members to-morrow.

Motion *agreed to*.

Bill *ordered* to be brought in by Sir Michael Hicks-Beach and Mr. Attorney General for Ireland.

Bill *presented*, and read the first time. —[Bill 114.]

LOCAL GOVERNMENT PROVISIONAL ORDERS

BILL.

On Motion of Mr. CLARE READ, Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Barmouth, Ealing, Holyhead, the City of Lincoln, Milham, Walton on the Hill, and Waterloo with Seaforth, and to the City of Oxford, *ordered* to be brought in by Mr. CLARE READ and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 112.]

MUNICIPAL ELECTIONS (CUMULATIVE VOTE)

BILL.

On Motion of Mr. HEYGATE, Bill to amend the Law relating to the Election of Aldermen in Municipal Boroughs, by the application

Sir Michael Hicks-Beach

thereto of the cumulative vote, *ordered* to be brought in by Mr. HEYGATE, Mr. MORLEY, Mr. FAWCETT, and Mr. WHEELHOUSE.

Bill *presented*, and read the first time. [Bill 113.]

House adjourned at One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, 18th May, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Church Patronage (Scotland) (72).

Second Reading—Tramways Provisional Orders Confirmation * (50); East India Annuity Funds (51).

Third Reading—Betting * (47), and *passed*.

CHURCH PATRONAGE (SCOTLAND).

BILL PRESENTED. FIRST READING.

THE DUKE OF RICHMOND: My Lords, in accordance with the Notice which I placed on the Paper some days back, I rise to call the attention of your Lordships to a matter of very great importance—the state of Church patronage in Scotland. I do so with a sense of the very great responsibility which attaches to moving in this matter—especially as I intend to ask your Lordships to deal substantially with it by giving a first reading to the Bill which I shall lay upon the Table. Of one thing, however, I can assure your Lordships, and it is that I approach the subject with an entire absence of any political motive whatever, because I am of opinion that a question of the appointment of ministers to attend to the spiritual wants of a large portion of our fellow countrymen is not one for party warfare, nor one to be made even a subject of political discussion. My Lords, I believe I am acting in the interests of the Established Church of Scotland—because I am satisfied that if you assent to the measure which I am about to lay before you, and to ask you to read the first time, it will extend and perpetuate that Church. I am anxious to contribute to such a result, as I am of opinion that no blessing is so great to any country as that of an Established Church, whereby the nation and its Government make public profession of the religion to which they are attached. My Lords, I cannot see any objection to the measure I intend to

propose, unless it be one which may be felt by those who, being hostile to all Establishments, may think that this measure will tend to give the Established Church of Scotland additional vigour and increased vitality. My Lords, this subject has been constantly before the Scotch people for the last 300 years. During that period presentation by individuals had been twice taken away, and twice has that patronage been restored. It was finally established in its present form in 1712; and in that form I now come to deal with it. I have been told—and I have no reason to doubt the accuracy of my information—that the question of its abolition, or even of its modification, has excited the greatest possible interest among Scotch constituencies, not only during the time to which I have referred, but up to the time of the recent General Election. My Lords, the reasons which I shall now attempt to adduce for the position which I, on the part of Her Majesty's Government, take in reference to this question may be divided into two classes. They are founded, first, on the strong feelings which have been manifested against the continuance of the present system of Church patronage during recent years; and, secondly, on the condition of Scotland, going back to a comparatively ancient date. Dealing with the first part of the question at once, I find that in 1866 and 1867, the General Assembly of the Church of Scotland approached this question with great earnestness; but the first time of late years in which it assumed anything like a tangible form in the deliberations of that body was in 1868. In that year a committee of the General Assembly was appointed to consider the subject, and, if possible, to devise some mode in which it might be satisfactorily dealt with. My Lords, I think I ought to state in the outset that the mode in which the General Assembly have always looked on this question in attempting to deal with it has been to give the appointment of ministers in the Church of Scotland to the heritors in conjunction with other parties in the Church. I state that in the outset, because when I come to deal with that part of the question, the proposals which I shall have to make will not be in strict accordance with that principle; but I quote the proceedings of the General Assembly to show that they are dissatis-

fied with the existing state of things, and think that the law of patronage as at present exercised ought to be altered, and, in fact, ought to be entirely abolished. Well, my Lords, in 1868 the General Assembly of the Church of Scotland appointed a committee to inquire into the subject. In the following year they made a report to the Assembly, on the reading of which the following Resolution was moved and agreed to—

"That the General Assembly, having heard the Report of the Committee on Patronage appointed last year, approve the diligence of the Committee, and adopt the said Report in so far as it indicates the evils which have arisen from the existing Law of Patronage, the advantages that would arise from the abolition thereof, with such compensation to patrons as may appear just and expedient, and generally in so far as it recommends that the nomination of ministers should be vested in heritors, elders, and communicants, leaving the details, both as to the constitution of the nominating body and as to the respective powers of the nominating body and the congregation at large, to be arranged so that there should be conferred on the permanent male communicants of each parish the greatest amount of influence in the election of ministers which may be found consistent with the preservation of order and regularity in the proceedings."

In 1870 an almost identical Resolution was adopted, and a new Committee was appointed. The Resolution was in these terms—

"That the General Assembly having heard the Report, express their gratification at the amount of support received from Members of Parliament and others: re-appoint the Committee, with instructions to use all prudent and constitutional means to obtain, as speedily as possible, a measure for the alteration of the Law of Patronage, in accordance generally with the principles embodied in the resolution of the last General Assembly; and authorize the Committee, if they see it expedient, to prepare the outline of a Bill in harmony with these principles, and submit it for the approval of the Commission, at a meeting, specially called for the purpose, if necessary."

In 1871, again, a very nearly similar Resolution was come to, though it did not express entire approval of the recommendations of the Committee. It stated—

"That, without expressing entire approval of the Committee's Report, or the suggestions therein proposed, the Assembly re-appoint the Committee, with power to add to their number, instructing them to use every endeavour to carry out the views of the last General Assembly, and to use all their influence with the Government to induce it to introduce, during the next Session of Parliament, a Bill for the abolition of patron-

age in the Church, with compensation to patrons, and to see that in any future scheme for the election of ministers there shall be a due representation of the heritors of the parish paying stipend as well as of the members of the Church."

In 1872, a Resolution in almost identical terms was passed, and, in 1873, this Motion was agreed to—

"Approve the Report, continue the Committee, and instruct them to avail themselves of any opportunity which may occur of getting the subject satisfactorily dealt with by the Legislature in the spirit of previous resolutions of the Assembly; further instruct the Committee to give every assistance to Sir Robert Anstruther in carrying his Motion before the House of Commons to a successful issue."

This brings me to the close of the last Parliament. But I may mention that in 1869 a deputation—I believe a very large and influential deputation—waited on Mr. Gladstone, the Prime Minister at that time, and urged very strongly upon him the views entertained by those whom it represented, that Church patronage ought to be abolished. My Lords, in the last Session of Parliament a noble Earl opposite (the Earl of Airlie) brought the subject under the attention of your Lordships. It was discussed by several noble Lords who take an interest in the subject, especially my noble Friend the late Secretary for India (the Duke of Argyll), who expressed his views upon the subject at length. I likewise had the honour of addressing your Lordships on that occasion, and I stated my opinion that it would be a great advantage to the Church of Scotland if Church patronage were abolished, but that I thought the proposal for its abolition ought to be the act of Her Majesty's Government, and that it was the duty of the Government to take up the question if they saw a prospect of bringing it to a successful issue. [See 3 *Hansard*, cxxvi. 1032.] To what I then stated, I still adhere. And, perhaps, I ought now to mention that I have been in communication with my noble Friend (the Duke of Argyll) on the subject, and that my noble Friend has authorized me to say he cordially approves and sanctions the principles of the measure which I shall ask your Lordships to read a first time this evening. Of course, he gives no opinion as to its details, which he cannot do till he reads the Bill, and I only quote the approval of my noble Friend so far as the principles of the

Bill are concerned. I may also mention, my Lords, that at the last General Election there was scarcely a constituency in Scotland by which this question was not discussed, and that the candidates—both those who were returned, and those who failed to be elected, were subjected to a severe examination as to the views they entertained with respect to Church patronage. I think, therefore, I am entitled to say that the great majority of the constituencies in Scotland impressed on those who sought to gain their votes that the question was one with which it was absolutely necessary to deal as soon as possible; and since I have had the honour of presiding over the Department of which I am now the head, I have received large deputations composed of persons of all shades of political opinion, but agreeing in one common view—namely, that it was the duty of the Her Majesty's Government to take up the question. My Lords, concurring as I do in that view, and having expressed myself as I did last year—that it was the duty of Her Majesty's Government to take up the subject if they saw a reasonable hope of bringing it to a successful issue—I now appear before you as the organ of Her Majesty's Government in your Lordships' House, to invite your Lordships to deal with the subject, upon which, I hope, there will be satisfactory legislation during the present Session; for it will be my endeavour to use all the means which I have both in this and the other House of Parliament, that this Session shall not close without this measure passing into law. I say this because I am extremely anxious that it shall not be imagined that I merely put this Bill forward to ask for the second reading, and then allow it to stand over, under the pretence of giving time for its being discussed. I think it would be contrary to the interests of the Church, and contrary to the interests of Scotland, to allow this matter to be delayed, if we can possibly avoid it; because it would be far from desirable to keep it open as a subject of discussion and of heart-burnings for a longer period than is absolutely necessary.

My Lords, having now stated the immediate reasons for dealing with this question, I am anxious to show your Lordships for how long a period it has been agitating Scotland. The people

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of that country have from time to time expressed extreme dissatisfaction with the state of things in which they were placed. So long ago as 1560 the "First Book of Discipline," which though never ratified by Parliament was subscribed by a majority of the members of the Privy Council, and approved by the earlier General Assemblies, thus lays down the principle on which the appointment of ministers should proceed—

"This liberty with all care must be reserved to every several church, to have their votes and suffrages in the election of their ministers."

The "Second Book of Discipline" which was agreed to by the General Assembly of 1578 also protested against lay patronage. But these protests were unavailing, and in the Act of 1592, cap. 116, which gave the sanction of the Civil power to the Presbyterian form of Church government it was provided that the Presbytery "be bound and astricted to receive and admit quhatsumever qualified minister presented be His Majesty or uther laie patrones." This was the first enactment on the subject,—and such was the state of things down to 1649, when patronage was abolished, and the right of election vested in the people and the Presbytery; the patrons being compensated by certain advantages that were then given to them. In 1660 patronage was restored with episcopacy; but in 1690 it was again abolished. So the matter remained till the Union of Scotland with this country. Now, my Lords, I wish to call your Lordships' attention to what occurred at that time—because I think it important to show that Scotland has, at all events, a right to complain of the manner in which she has been treated in this matter. Before the Act of Union an Act of Security was passed in the Scotch Parliament, and in that Act, which was ratified by the Act of Union, it was laid down that the Presbyterian form of Church government was to continue as then established by law. But although it was made an Article of the Union that the Presbyterian form of Church government should continue, yet five years afterwards—in 1712—an Act was passed—before the meeting of the General Assembly, or without giving to that body the smallest opportunity of expressing its views upon the subject—an Act was passed by the British

Parliament, in what in these days would, perhaps, be termed "indecent haste"—I think in the whole the discussion lasted 10 days—I am not quite certain whether it was more or less, but when the measure came into this House, I believe it went through all its stages in one day, and that day a Saturday. I doubt if my noble Friend the Chairman of Committees, marvellous as are his powers in getting a Bill through, could pass one with greater rapidity than that. The effect of that measure was to enforce lay patronage upon the whole of the people of Scotland. My Lords, that proceeding was protested against by the General Assembly; but it was perfectly useless to protest, because the Act had been passed, and it has remained the law up to this time. In 1713 an unsuccessful attempt was made for its removal; and from that date down to 1783 the Assembly of the Church gave an annual instruction to their Commission to avail themselves of any opportunity of obtaining a repeal of the Act. Matters continued in this way down to 1831, when there was a strong agitation. This having failed, the Veto Act was proposed. This was defeated in 1833, but was passed by the full Assembly in 1834. This was not an Act of Parliament, but one of the General Assembly, passed after the opinion of the Law Officers of Scotland had been taken that it was quite within the power of the Church. It enacted that the dissent of the majority of the male heads of families in a parish, being communicants, should be sufficient to set aside a presentee. Then came the disputes as to the legality of the Veto, and those proceedings with which your Lordships are perfectly familiar—I think I need not go into them. Then came the great secession of 1843. This brings me to what I may call the last legislation on that subject. In that year Lord Aberdeen succeeded in passing the 6th & 7th Vic. cap. 61, commonly called "Lord Aberdeen's Act." This was an Act to modify the law of patronage.

My Lords, I have now called your Lordships' attention to the law as it at present stands, and I have endeavoured to show you, in the first place, that the agitation in the General Assembly upon this question has been constant, and that from 1690 down to the present day Scot-

land has been constantly agitating with respect to it. An objection may possibly be made by some of your Lordships who are not intimately acquainted with Scotland, and especially by noble Lords who may reside in England. It may possibly be said that if we deal with the question of Church patronage in Scotland, it will only be a stepping-stone to some proposition to deal with Church patronage in England, and that we must take care that we are not establishing a precedent which will some day be brought forward here in justification of a similar measure in this country. In answer to that I may say that there is not the slightest similitude whatever in the position of the law of patronage in the two countries. It is perfectly and entirely distinct and separate, and you must deal with it not from an English point of view, but from a Scotch point of view. If you deal with it from an English point of view, you will find yourselves thoroughly mistaken, and in order to prove the accuracy of what I am saying, I will read to you the opinion of the late Sir James Graham, who in 1843, speaking on the Motion of the noble Earl opposite (the Earl of Dalhousie) said—

"I think therefore that in discussing this question in the British Parliament, we are bound to regard it with peculiar care: we must look at it not with English feelings nor with the prejudices of Englishmen, but we are bound to regard it upon the principles of the Union, and to try and settle the question upon Presbyterian principles, as established by the Act of 1690, the Act of Union, and subsequent statutes." (Hansard, Nov. 1843.)

That, my Lords, is the view in which I shall endeavour to regard it. In the first place I may observe, that the value and importance of an article is often tested by the price which it fetches; and you will find that by some recent returns which have taken place in regard to Church patronage in Scotland, the price at which a next presentation has been estimated, namely one year's purchase, is as advanced as that there is a marketable value now attached to a next presentation in Scotland, but whereas in England its value is something about 15 years' purchase, in Scotland it is only estimated at one year's purchase, and much as some of your Lordships have patronage in England, and others have not, while the Government patronage in England with Church patronage does not form part of the last figure

with the Presbyterian form of Church government or the Presbyterian form of worship. In the one case we have a liturgy, in the other there is no liturgy at all. Therefore, in the case of an English church, you may appoint a clergyman who may perform his duties admirably with respect to the liturgy, but that is not in the least degree dependent upon the eloquence and talents of the minister who conducts the service, whereas in the Scotch Church you must depend on his talents and eloquence. Therefore, my Lords, you cannot draw any analogy whatever from the mode of conducting the service in the two countries; and I say that the patronage with respect to England and the patronage with respect to Scotland in Church matters are entirely different.

My Lords, there is another reason in favour of the Bill I am about to introduce which I think not unimportant—and that is that the right of Church patronage in Scotland is at the present moment practically abolished by the action of the patrons themselves. I do not mean to say that it is abolished in all cases, for I know that there are some honourable gentlemen who exercise the right—and I may say they exercise it with advantage to the country—but practically it is abolished, and has been for some time, and therefore I may say that it is obsolete, except in some few cases. We are told that in Scotland there are some 1,100 livings, of which the Crown holds the patronage of about 260. Taking the number in the hands of other patrons who do not exercise the patronage at present, and will not care to do so in the future, you will find that one-half of the Church patronage of Scotland is in the hands of patrons who do not care to exercise the privilege. It follows therefore, that you are really dealing with a very small portion of those who desire to exercise patronage. At the time of the passing of Lord Aberdeen's Act in 1845, it was thought that it would be a remedy for the grievances which then existed; but I am afraid that the proceedings which have been taken under the Act have not been very satisfactory, and have not led to any breaking of the differences that divided the Church at that time. Under that Act, my Lords, who are appointed are only going to say to a species of patronage, and therefore they are subject

to an examination of their opinions and abilities in open Court; and not only that, but their personal appearance, their manner, their voice, and their temperament—anything that is “personal”—are subject to a rigid investigation. At all events, they may or may not, by virtue of that Act, be subjected to such criticism. I say that that is a species of torture which is extremely painful, and which certainly does not lead to any beneficial results, and being altogether unnecessary, it ought, in my opinion, to be abolished. I propose, therefore, by the present Bill to repeal the Act of 1843, which is called Lord Aberdeen's Act. I have endeavoured to explain why it is that Government have thought it right to deal with this important question. They are quite well aware of the responsibility they incur, and I hope we shall be able to induce your Lordships to dispose of it during the present Session.

My Lords, I will now, because I do not want to detain your Lordships any longer than I can help, state very shortly the provisions of the Bill which I propose to bring in. It is a very short one, consisting only of nine clauses—and the third clause is perhaps the first of any importance. That clause in the first place repeals the Act of Queen Anne, which was passed in 1712; and then goes on to repeal Lord Aberdeen's Act. It then provides for a constituent body who are to nominate the minister. In doing this I have avoided any franchise that might be denominated a “fancy franchise.” I have taken the qualification which exists in other Presbyterian bodies, and which has already received the sanction of Parliament in this case. I propose, therefore, that therefore, that the Church patronage in future should be vested in the communicants of the parishes under regulations which are to be framed from time to time by the General Assembly of the Church of Scotland. The mode of election is that which is provided in the 33 & 34 *Vict. c. 87 s. 20*, and which also prevails in other bodies in Scotland. The next two clauses deal with the matter of compensation to be paid to the patrons. In this I have followed as closely as possible the course taken by the Heritors Act passed in the reign of George III., which dealt with the question of the patronage of the heritors. It enacts

that the patrons shall be entitled to compensation to an amount not exceeding one year's stipend. The stipend is to be made up by the subscriptions of the heritors generally. I have no doubt that in many cases the patrons will not require any compensation whatever; because they will not consider the money value, but rather the duty imposed upon them of the presentation to the person who is most fitted to perform the office of a minister, which is a duty which cannot be represented by any money value. This is the Bill which I shall ask your Lordships to consider, and it is a very short one. In the first place, the patron is to receive one year's compensation for the right of which he is to be deprived—and I have no doubt whatever that most of the parishes will be only too happy to enfranchise themselves at such a cost. I was very much struck by the view which was entertained by the Committee which sat in 1834 upon the condition of the patronage of the Church of Scotland at that time; and with your Lordships' permission I will read a portion of their Report.

“No sentiment has been so deeply impressed upon the minds of your Committee, in the course of their long and laborious investigation, as that of veneration and respect for the Established Church of Scotland. They believe that no institution has ever existed which, at so little cost, has accomplished so much good. The eminent place which Scotland holds in the scale of nations is mainly owing to the purity of the standards and the zeal of the ministers of its Church, as well as to the wisdom with which its internal institutions have been adapted to the habits and the interests of the people.”

What was true of the Established Church of Scotland then is true of her now. That Committee came to no definite resolution on the subject of patronage, but it well described the Established Church of Scotland, and it is with the view of extending the sphere of her usefulness and increasing her claims to the affection of the people, I ask your Lordships to give a first reading to the Bill which I have now the honour of laying upon your Lordships' Table.

Bill to alter and amend the laws relating to the appointment of Ministers to Parishes in Scotland—*presented* by the Lord President.

Moved, That the Bill be now read the first time.

THE EARL OF AIRLIE said, that although it was not customary to discuss a Bill which had not yet been laid before their Lordships, yet as he had himself brought this subject under the consideration of their Lordships last year, he thought it would not be out of place if he offered his congratulations to the noble Duke on the fact that Her Majesty's Government had taken up the subject. He congratulated the noble Duke the President of the Council on the spirit in which he had approached it. Although presentations to livings in the Church of Scotland had never been made a matter of sale and barter—although they had never seen in the Church of Scotland such transactions as had been so eloquently described a few evenings since by the right rev. Prelate (the Bishop of Peterborough) as existing in this country, yet there could be no doubt that, from the conflicts which arose with respect to the right of the patron to appoint and the right of the parishioners to reject, a condition of things existed which was not very desirable either in the interests of the Church of Scotland or of the people. The noble Duke had stated with perfect accuracy the feeling which existed upon this question, both in the Church Assembly and among the congregations, so far as they could gather from the usual sources of information. If he might be permitted to make any comment on the statement of the noble Duke, he should say the only objection to the Bill now proposed to be introduced was that it did not go far enough, and that he should be in favour of enlarging the electoral body. The proposition of the noble Duke, as he understood it, was that the election of ministers should be confined to the communicants. There were not those restrictions in the Church of Scotland that existed with respect to the Church of England. In Scotland any person, of whatever communion, might bring who possessed the right of patronage, might present. But the Bill's proposal was to give the communicants a discretion as to whom they would present, and to give the patron the right of presenting a minister if the communicants refused to do so. He thought it was a very desirable proposal, and he would be happy to see it carried into effect. He thought it was a very desirable proposal, and he would be happy to see it carried into effect.

felt an interest in his Church, and he should like to see the right of election extended to every person whose name was upon the rates of the parish. However, that was a matter which he need not at present go into. He would therefore content himself with simply declaring that, in his opinion, the Government had done well to take up the question; and his noble Friend who had succeeded him as Her Majesty's Commissioner to the General Assembly could not take to Scotland a more welcome message to that venerable Assembly, than that Her Majesty's Government had taken up the question in the sense that the existence of the present system of Church patronage should terminate; and he hoped that Her Majesty's Government, with the assent of Parliament, would be able to bring about a satisfactory solution of this long-voxed question.

THE EARL OF ROSSLYN said, that he should not have ventured to address their Lordships, but, having had the high honour of being appointed to the office of Her Majesty's Commissioner to the General Assembly of the Church of Scotland, he felt that it would not be becoming in him if he did not address some few remarks to their Lordships upon this subject. It gave him great satisfaction to be able to say that he cordially agreed in the principle of the measure indicated by the noble Duke the President of the Council. He thought the noble Duke was particularly fortunate in the introduction of the measure at a time when there appeared to be a tendency to union in the Church itself. He thought it a matter of great congratulation that the present Bill had been brought in by the Government, and he should feel that his duty to the General Assembly of the Church of Scotland would be more welcome from the fact that he had to carry to them that one of the chief difficulties that had stood in the way of union in Scotland was in a great way being removed. The question of Church patronage had been a standing block for more than 170 years. The Scotch people had always shown themselves adherent of any measure which was in control, while, on the other hand, their loyalty and devotion to the Crown in a temporal matter was not at all, and he had no doubt that any such measure would be evinced

towards the Church should the present form of Church patronage be abolished. He hoped that this measure would—as he believed it would—lead to a great advancement in the Established Church of Scotland. He could not anticipate that there would be any opposition to the measure from any quarter. If there were any, it would not be from the patrons, for, as a body—if he might venture to say so—they had always shown themselves most anxious to consolidate and conserve the best interests of the Church of Scotland, and he believed that they had its best interests at heart. If he was right in his estimate of their character, they would willingly, without any idea of compensation, give up their patronage. If there was any objection to the measure, it could, in his opinion, only come from those who, like his noble Friend who had just spoken, thought it did not go far enough. He was quite convinced of the necessity of repealing Lord Aberdeen's Act. That description of legislation had brought its own warning. He quite agreed that if they were to have any legislation at all upon this subject, it must be through the action of the Government. In his opinion, those who wished it to go further, and that the election of the ministers should include the whole of the parishioners, were simply wishing for a measure of disestablishment. He clung to the union of Church and State, and hoped that the bonds of love which existed between Church and State in Scotland would long continue. He was convinced that the objections which were felt by those professing principles of Voluntaryism to such a Bill as this were grounded upon the fact that they were themselves convinced that the measure would prolong the existence of an Establishment which they detested. He believed that the measure was one which would be accepted by moderate men of both parties.

THE DUKE OF BUCCLEUCH said, he quite agreed with the noble Duke the President of the Council that the question was one which created immense interest in Scotland. It was a very large question, not only in a Scotch point of view, but in an English point of view; because, although the form of Church government might not be the same, yet the religion of both countries was alike. It was no doubt perfectly

true that the subject, as the Lord President had stated, had been agitated upwards of 300 years. There had been many complaints of congregations having had ministers put upon them not of their own choice. He thought his noble Friend was quite right in proposing that the communicants should be the persons to elect the ministers of the congregations. He did not call this a Bill for the abolition of Church patronage, but simply a Bill for the transfer of patronage from individuals to the congregations. In every case, persons who were nominated must be examined upon Church matters, and he did not at all think that it was likely that those who had to institute the examination would reject proper persons for ministers. With respect to the question of compensation, he did not believe that the patrons would put a mere question of pounds, shillings, and pence against the serious and solemn considerations that must prevail with them. On the other hand, he looked upon the patronage of a living, and the presentation of a person to it, not as a mere valuable consideration, but as a serious and solemn trust imposed upon the holders of Church patronage—a trust the most serious and solemn that could be imposed upon any man. If this Bill should pass, in his opinion it would settle a large number of questions that were now harassing the minds of people, and creating heart-burnings among them. He would not have himself proposed any such measure, preferring to leave matters as they now were; but as the Bill had been introduced on the authority of the Government, he should not oppose, but would support it. In his opinion, it could have been taken up by no one but the Government of the day. With the principle he was perfectly well satisfied, but as regarded the details it was unnecessary for him to enter upon them until the Bill had been printed and laid before their Lordships.

THE EARL OF DALHOUSIE said, he wished to make one or two remarks on the observations which had fallen from the noble Duke the President of the Council. He quite agreed that the subject of Church patronage in Scotland could only be dealt with by the authority of the Executive Government—no private individual could deal with such a question. But there was one portion of

the noble Duke's speech in which he referred to what had taken place in the General Assembly of the Church of Scotland during the last six or seven years, and so far as he (the Earl of Dalhousie) could understand, the noble Duke would lead their Lordships to suppose that the proceedings of that venerable Assembly had been unanimous in respect to the question of the patronage of the Church.

THE DUKE OF RICHMOND said, he had not meant to do that.

THE EARL OF DALHOUSIE believed the noble Duke had not meant that; but at the same time he did not state that in fact in the discussions that had taken place in the Assembly there had been divisions, and that the Church itself was by no means unanimous in the proposal to make an alteration in the present law of patronage. That there was a considerable majority in favour of alteration he did not deny; but he hoped that their Lordships would not be carried away with the idea that the Church of Scotland itself was unanimous on this question. The noble Duke had referred to the condition of the Church of Scotland in the year 1834; but the condition of things was very different then from its condition now. Then the Church of Scotland was the majority of the people of Scotland, but it was not so now. The Church of Scotland only now represented one-third of the people of Scotland, and the other communities which differed from it were in the aggregate a vast majority. In touching this question, of course it was necessary to lay a Bill upon the Table of their Lordships' House; but he reminded the noble Duke that in doing so he had stirred up a question that was gradually dying out, and had raised a discussion on this subject which he doubted would not end in the direction he wished—namely, the consolidation of the Church of Scotland. The noble Duke had stated that the principle he proposed was one which was adopted by the Free Church of Scotland, to which he himself belonged, but he doubted whether that principle would be acceptable to an Established Church, and especially the Established Church of Scotland. When the Bill came to be discussed in Scotland a little more light would be thrown upon this point. Then, again, with reference to the Compensation Clauses, it was quite true that many

of the patrons in Scotland were willing to give up their patronage; but there were others who were not, and they must approach this question in a spirit of justice. The right of presentation was a right of property, and they must deal with it as a right of property. It might be no great matter to the patron, but it must be considered as a question of principle, and they would have to consider what effect a proposition to give a compensation to the amount of only one year's purchase might have where rights of purely temporal property were in question. He believed that the right of presentation had not always been valued at so low a rate. These, however, were questions of detail, which they might discuss on the second reading. In the meantime he hoped their Lordships would keep their minds clear as to the real points at issue. It was quite certain that this question of abolition of Church patronage would raise a warm discussion all throughout Scotland, and create considerable feeling. He took leave to doubt whether the question was one which had been discussed very much at the hustings on the occasion of the last General Election. On the contrary, so far as appeared from the reports in the newspapers, his experience was that questions relating to the game laws stood first, and the subject of Church patronage was scarcely ever mentioned. As the noble Duke had told them, the exercise of Church patronage was practically almost abolished at present, and if they let the Church patrons go on for a year or two longer as they had been doing, they would find that it would have died out altogether. He was happy to say that the Churches of Scotland had been drawn into greater harmony year by year, and also that the ministers of various Churches had exchanged courtesies which within the last 30 years would have been deemed almost impossible. If this question were not now stirred up, he believed that in the course of two or three years there would be a most amicable agreement between Church patrons and the parishes, and that there would be no necessity whatever for such a measure as this.

LORD STANLEY OF ALDERLEY drew the attention of the noble Duke to the consequences of the introduction of universal suffrage into religious affairs by the Genevese Government; and he

trusted the noble Duke would restrict rather than extend the suffrage for the election of Scotch ministers. The City of Geneva had been made one electoral district or parish, instead of being divided into several electoral districts, and the consequence was that the free-thinkers would form the majority. By this system of election the Genevese Government had thoroughly disorganized the Catholics, and now they were about to ruin the Protestants. The rural districts of Scotland might be safe under election, but in Edinburgh, Glasgow, and other large towns, the free-thinkers might come forward and get the elections into their own hands. He thought this system of popular election was not likely to result in the selection of proper persons, and that there should be some system of nomination in the first instance. He had in his hand a letter from Geneva, from a Scotchman and a Presbyterian, which said that the Protestant Church there had been destroyed.

LORD ABERDARE, having for some time represented a Scotch constituency, and having for several years been intrusted with the responsibility of administering the Crown patronage in the Church of Scotland, wished to be allowed to say a few words. He did not know whether the measure of the noble Duke would be for the good of the Church of Scotland; it was enough for him to know that that Church, as represented in the General Assembly, wished for the change. It was notorious that, on the part of the people of Scotland, there had been for years but one desire on the subject—to get rid of the law of patronage; he would, therefore, be glad to co-operate with the noble Duke in his efforts, and to assist him in bringing the law more into harmony with the feelings of the people and the wants of the present time. There was, however, one point upon which he desired to ask a question. Some 50 years ago it was made known to the Government that there were certain livings in Scotland so vast in extent and so poor that it was expedient that they should be divided, and provision made for religious worship—accordingly, under the 5 Geo. IV, c. 90, £50,000 was provided for building churches and mansees, and £120 a-year for the payment of each minister. These districts were 40 in number. They were generally situated in the north-western

parts of Scotland, where the population was most sparse and the parishes most extensive. Unfortunately, they were in parts of Scotland where the Established Church was weakest; and when he was Secretary for the Home Department it was his duty to appoint clergymen to some of these livings, in one case where there was not a single communicant, and in others where there were not above two or three members of the Church of Scotland. The noble Duke appeared to propose to put an end to all patronage in Scotland, but it did not appear from his statement how he proposed to deal with these livings, the presentation to which had always been an embarrassment to Secretaries of State. These livings were a scandal in themselves, and he did not see how they could be left in their present position.

THE EARL OF ABERDEEN approved the principle of the Bill. Their Lordships would agree with him when he said that much credit was due to the members of the Established Church of Scotland for the manner in which they had, if not co-operated, yet acquiesced in the existing system of patronage. That, however, was partly due to the great pains and care which, especially for the last 20 years, had been taken by the patrons in selecting ministers. With regard to the opposition that might be expected to this measure, he had been informed that a great deal of opposition had come from other religious bodies in Scotland. That opposition appeared rather strange—especially if it were true that it was mainly attributable to a fear lest the Church of Scotland should, as the noble Duke said, increase its hold on the affections of the people. He could not help thinking that a more dignified course would be to attack the Established Church on the distinct ground of its being an Establishment. He was sorry to hear the noble Earl (the Earl of Dalhousie) express great apprehensions as to the result of this measure, because, considering the noble Earl's experience, his opinions were entitled to great weight. He hoped, however, though in the first instance angry discussions might arise on the part of those who, from whatever reason, might be opposed to the measure, the effect of it after a short time would be not only to strengthen the hold of the Church of Scotland on the affections of the people,

but also at some future period to tend towards the union of the various religious bodies which now existed in Scotland.

THE EARL OF ROSEBERY, on the part of all whom he knew in Scotland, tendered his most earnest thanks to the noble Duke for having taken up this question. It was a matter of regret to him, as a supporter of the late Government, that during their long tenure of office, and though they had in their body a Minister whose authority on the subject was so high, they had never attempted to handle it. It was the more gratifying, therefore, that the noble Duke, in the first year of power, should have come forward to redress a long-standing and most serious grievance of the Church of Scotland—a grievance which had been notorious for a century and a half. The noble Earl had stated that the question was not agitated at the late General Election; but this was a matter of fact on which he must decline to offer an opinion, although certainly his impression was the other way. It was also alleged by the noble Earl that the noble Duke, by touching this question, would raise a feeling and an animus among the people of Scotland which it would be difficult to control; but he failed to perceive how such could be the result if, as the noble Earl himself had alleged a feeling of indifference existed on the subject amongst the great body of the people, and that the question of Church patronage was really dying out. Having only just now heard of the Bill of the noble Duke he would not discuss its provisions; but, as a matter of curiosity, he would ask the noble Duke who had brought in this measure, what provision was to be made in those parishes where there were no communicants at all? As far as he understood, the noble Duke would have to import a new constituency. He wished to know, whether the term "communicants" included females?—because he doubted if women in Scotland were, by any means, the worst judges of theological questions. He also wished to know, whether the noble Duke was warranted in giving compensation to heritors for a right which the Church of Scotland had never admitted, and which the noble Duke seemed to assume had been the creation of a Tory job? He would reserve until the second reading any further remarks on the details of the Bill, but he could not now conclude

without congratulating the noble Duke on having initiated legislation on this important question.

LORD BLANTYRE: My Lords, the patrons were the founders of the churches, for their predecessors, the barons, in the 11th century, at the suggestion of the preachers of the gospel—that it was a proper thing to give tithes to the Church—built churches in, and endowed them with the tithes of their baronies—reserving the patronage. These baronies came then to be called parishes. Some have come down to our time unchanged. The patron holds still the barony or parish, maintains the church and manse, and pays the minister, unassisted by any individual in the parish, and exercises his patronage. In the case of the larger baronies, lands have been sold off subject to the payment of a portion of the burdens pertaining to the whole. These heritors have the burden without the privilege, the patron has a similar burden, but continues to exercise the privilege reserved—namely, that of presenting the minister, unless he has sold the patronage. We have thus an institution which has come down to us unchanged for 800 years, the burden borne, and the reserved privilege exercised by the successors of the first founders. The Reformation left private patrons untouched—but where the piety of patrons had induced them to make over their churches and monasteries, when these last were confiscated, the patronage came into the hands of the Crown, where it still remains. The resistance of Scotland appears to have been directed more against Episcopacy than against patronage.

LORD WHARNCLIFFE was glad this question had been brought forward by the Government, as he regarded the present system of patronage in Scotland as "a delusion and a snare."

LORD DYNEVOR said, he trusted the noble Duke would be able to carry a measure which would be so beneficial to the Established Church of Scotland; but he did not think the people would be content if the power of the election of the minister was confined to the communicants. If communicants only were allowed to vote it might induce persons to join a Church for the purpose of having the franchise. In England the people, as they knew, were quiet and passive, and had not asked for a vote in the appointment of their mi-

nisters; but he thought there was a growing opinion that this was not right—that they ought to have some voice—such as the right of veto, on the nomination by the patron, or to be in some way consulted in the selection of their minister. They knew the feeling of indifference which existed in England; while, on the contrary, in Scotland there was a strong feeling for the Church, and he believed that this Bill would be the means of strengthening the Church there.

THE DUKE OF RICHMOND: My Lords, I will briefly reply to some of the objections which have been raised against my proposition in debate. The noble Earl opposite (the Earl of Dalhousie) complained of the clause which provides that the compensation to be given to patrons shall not be more than one year's stipend, and he referred to cases in which a much larger sum had been given for the right of patronage. Well, my Lords, in fixing one year's stipend as the maximum amount of compensation, I followed the precedent afforded by the Act passed in 1860. I will not enter into a discussion with the noble Earl as to the number of members of the Established Church, of the United Presbyterian Church, and of the Free Church. Indeed, I am not quite sure whether there is any possibility of getting at the exact statistics of the various denominations in Scotland.

THE EARL OF DALHOUSIE: From the Census.

THE DUKE OF RICHMOND: I fancy, however, that a large proportion of the Presbyterians in Scotland do not belong to the Established Church. At all events, that does not affect the question I am dealing with, because, if they are satisfied with their position, they are not affected by my Bill. My point is that there is a grievance now affecting the Established Church of Scotland, and that such grievance ought to be dealt with; I have carefully avoided meddling with any other denomination. The present Bill is wanted by a very large class of the people of Scotland; and if other religious bodies are satisfied with the position in which they find themselves, I do not quarrel with them, for, in my speech, I carefully refrained from referring to Presbyterian bodies outside the Established Church. With regard to the point raised by the noble Lord opposite, who preceded me as Lord Pre-

sident of the Council (Lord Aberdare), I may say the intention of the Bill is that there shall be no exceptions whatever, and that all patronage shall be abolished from the Crown downwards. It may be, however, that there are cases which have escaped my notice, and I will look into the matter, but the intention of the Bill certainly is that there shall be no exceptions whatever in regard to Church patronage in Scotland. With regard to the Question put to me by the noble Earl opposite (the Earl of Rosebery) as to what I meant by "communicants," I may state that as the Bill is drawn it will mean "male communicants," that being the recommendation of the General Assembly. I ought to apologize to the House if I have led them to think that the opinion of the General Assembly was unanimous on the subject of patronage. I had no intention to convey such an idea, as the Papers I cited showed that divisions have occurred; but my point was that the conclusion the General Assembly came to by a majority of votes was that the subject of patronage ought to be dealt with. There was one statement made by the noble Earl which I cannot pass by in silence. I cannot think it possible that such a thing could be perpetrated as what he called a "Tory job," and certainly I never made use of such an expression.

Motion agreed to; Bill read 1st accordingly: to be printed; and to be read 2^d on Tuesday the 2nd June next (No. 72).

House adjourned at a quarter before
Seven o'clock, 'till to-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, 18th May, 1874.

MINUTES.]—NEW WRIT ISSUED—For Poole, v. Charles Waring, esquire, void Election.

NEW MEMBER SWORN—John Edward Dorington, esquire, for Stroud.

SUPPLY—considered in Committee—NAVY ESTIMATES.

Resolutions [May 17] reported.

PUBLIC BILLS—Resolutions in Committee—Ordered—First—Reading—Magistrates (Ireland) and Commissioners of Dublin Police Salaries* [117].

Ordered—First Reading—Factories (Health of Women, &c.)* [115]; Four Courts Marshalsea Dublin* [116].

Second Reading—Marriages Legalization (St. John the Evangelist's Chapel in the parish of Shustock)* [101]; Local Government Provisional Orders* [112].

Committee—Report—Customs and Inland Revenue* [88]; Gas Orders Confirmation* [94]; Bishop of Calcutta (Leave of Absence)* [93]; Board of Trade Arbitrations, Inquiries, &c.* [86]; Marriages Legalization (St. Paul's Church at Pooley Bridge)* [102]; Married Women's Property Act (1870) Amendment (re-comm.)* [96].

ARMY—THE 22ND (CHESHIRE) REGIMENT.—QUESTION.

SIR EDWARD WATKIN asked the Secretary of State for War, Whether the rumour is correct that the depôt of the second battalion 22nd (Cheshire) Regiment, which arrived in Chester (its local centre) on the 10th October 1873, is to be removed into another county?

MR. GATHORNE HARDY: The Depôt, 2nd battalion 22nd, is attached to 1st battalion, now at home, and consequently moves with it. The 1st battalion has been in its county town for some time, and it is now necessary to move it, and the Depôt 2nd battalion goes with it until the Brigade Depôt Buildings at Chester are completed.

CIVIL ACTIONS (IRELAND)—ACTIONS FOR LIBEL.—QUESTION.

MR. MCCARTHY DOWNING asked Mr. Attorney General for Ireland, Whether it be the fact that the Irish Judges have decided that in actions for libel they have no discretion as to costs, under the Act 31 and 32 Vic. c. 69, and that they are bound to certify for full costs where there is a verdict for the plaintiff, even though the damages be one farthing; and, if so, whether it be his intention to bring in a Bill to amend the Law and remedy this anomaly?

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL): Sir, no decision of this character has been come to. There has been a decision of a single Judge—not of the Judges collectively. But the question is of less importance, because in the Judicature Bill there is a clause which leaves the question of costs

in every action, whether legal or equitable, at the discretion of the Court.

THE GOLD COAST.—QUESTION.

MR. KNATCHBULL-HUGESSEN asked the Under Secretary of State for the Colonies, Whether the Gold Coast policy of the Government will involve any increase of the Colonial Estimates for the present year; and, if so, whether he will take care that those Estimates shall come on at such an hour as will insure an opportunity of their full discussion?

MR. J. LOWTHER: Yes, Sir, it will be necessary to introduce a Supplementary Estimate in aid of the Revenues of the Gold Coast. I hope to be in a position to lay it before the House upon an early day after Whitsuntide, and will take the opportunity of making a statement regarding the policy of the Government upon this question. Full Notice will be given, and ample opportunity afforded for discussion.

IRELAND—DERRY CELEBRATIONS—COSTS OF COLONEL HILLIER.

QUESTION.

MAJOR O'GORMAN asked the Chief Secretary for Ireland, If he would inform the House, whether Deputy Inspector General Hillier, referred to in "The Limerick Reporter" of the 13th March last as "English Inspector General," incurred damages and costs for illegal arrests as alleged; if so, what is the total amount of these damages and costs, and have they been paid by Her Majesty's Government or by Deputy Inspector General Hillier; and, whether the distinction of C.B. has been conferred on this officer; and, if so, whether before or after the actions for illegal arrests referred to?

SIR MICHAEL HICKS-BEACH: Sir, damages and costs were given against Colonel Hillier in an action brought against him for conduct in the command of the constabulary some three or four years ago. I am unable to give any information in reply to the second part of the Question, because it relates to a point which already during this Session has been brought before the House by the hon. and learned Member for Limerick (Mr. Butt), when the House refused to grant the return then moved for. The distinction of C.B. was

conferred by the late Government on Colonel Hillier early in the present year, for his general services as a constabulary officer, and long after the matter referred to.

IMPRISONMENT FOR DEBT—CASE OF DANIEL NORLEY.—QUESTION.

MR. M. T. BASS asked the Secretary of State for the Home Department, If his attention has been drawn to the case of Daniel Norley, a labourer in the parish of Burham in Kent, who at the end of last year was summoned to the County Court at the suit of a tallyman, for a debt of 12s. 6d.; and on the hearing of the judgment summons Norley's wife appeared and told the Court her husband was confined to his house by severe illness, and was then and had been for some time supported by the parish and attended by the parish doctor; that, nevertheless, an order was made for payment of the debt in two instalments; in default of payment whereof, Norley was in February last taken from his sick bed to Maidstone Gaol; that he only remained there two days, was sent home, and died a few days after; and, how far this statement is consistent with the declaration—"that no debtor is imprisoned unless he was then, or had been since the issue of the summons, able to pay the debt sued for?"

MR. ASSHETON CROSS: Sir, my hon. Friend was kind enough to put off this Question for a day or two, in order that I might make the necessary inquiries. The hon. Member did not read the Question exactly as it stands on the Paper. The circumstances, so far as I am informed, are these—Judgment was obtained against Norley on the 25th October, 1871. He was not sent to prison till the 1st February, 1874. Two days afterwards, the creditor himself, hearing that Norley was ill, paid the debt, and so procured his release. The man did not die till Easter. I want, however, to make some further inquiry into the matter, because I think there is some doubt how far it can be clearly proved that the man was in a fit state of health to be imprisoned; and if my hon. Friend will repeat his Question I will state to him the result.

SEWAGE MANURE.—QUESTION.

MR. HICK asked the President of the Local Government Board, If he has any information in his office showing the quantities and varieties of manure which have been made from sewage in this country through Municipal Corporations or Sanitary Boards, and the average prices each kind of manure has commanded in the market?

MR. SCLATER-BOOTH: Sir, there is no information at the Local Government Board upon the subject.

ORDNANCE SURVEY—SALARIES OF CIVIL SERVANTS.—QUESTION.

MR. ONSLOW asked the First Commissioner of Works, Whether a Memorial has been received by him from Civil Servants employed in the Ordnance Survey, praying for an increase in their salaries; and, if so, what course he proposes to take in reference to that Memorial?

LORD HENRY LENNOX: In answer, Sir, to the Question of my hon. Friend, I have to say that my attention has been called to a Memorial of some 700 Civil *Employés* of the Ordnance Survey. The complaint of these gentlemen appears to be based on the idea that they are employed in the Civil Service of the Crown; but the late Treasury Commissioners refused to admit such a position, in which they were supported by a Committee which sat upon and reported on the subject in 1871. I am afraid I cannot give any favourable consideration to the Memorial under those circumstances.

PARLIAMENT—BREACH OF PRIVILEGE —THE "MORNING POST."

QUESTION.

MR. HERBERT said, he wished to bring before the House a case of breach of privilege. He was only a young Member himself, but he was as jealous of the Privileges of the House as the oldest Member could be. The subject of his complaint was two articles in *The Morning Post*. The first, which was published in that paper on the 12th of May, was as follows:—

"We have reason to believe that 'the highest authority' in the House of Commons has expressed himself in terms of disapprobation at the use, on more than one occasion in recent discussions, of words and illustrations not con-

sistent with the traditional usages of Parliament, and of a character calculated to lower the tone of the debates and lessen the dignity of a deliberative assembly. Possibly some allowance ought to be made for a new House of Commons elected by household suffrage through the instrumentality of the Ballot. In any case a hope may be expressed that, as attention is now called to the subject, no necessity may arise for further reference to it."

Neither he nor any other hon. Member believed that Mr. Speaker had ever expressed such terms of disapprobation at all, and he, for one, objected, as a Member of that House, to being called in question and censured by any gentleman of the Press, from whatever paper it might come. The second article appeared in *The Morning Post* on Saturday, and it stated—

"The Select Committees of the House of Commons will not meet on Monday, owing to the visit of the Emperor of Russia to the City."

That statement caused great inconvenience to many hon. Members, and he would ask whether such a statement was not a breach of privilege of that House, and also whether means could not be taken to put a stop to this kind of thing in future?

MR. SPEAKER: I must ask the hon. Member to conclude with a Motion, and also to bring up to the Table the paragraphs of which he complains.

MR. HERBERT: I move, Sir, that the House do now adjourn.

The paragraphs in question having been read by the Clerk at the Table.

MR. SPEAKER: The hon. Member has submitted two complaints to the House. With regard to the first question, my attention was drawn to the paragraph which he has quoted, and I did not think it my duty to take any notice of it, because I felt persuaded that no hon. Member of the House would believe that I had entertained any such opinion. With regard to the second complaint, I may say that it is highly to be regretted that an incorrect account should be published of the proceedings of this House; but I must remind hon. Members that we have an authorized record of our proceedings in the Votes and Proceedings of this House, and it is to that record that hon. Members should pay attention. The hon. Member has been somewhat out of Order in concluding with the Motion, "that this House do now adjourn." When the hon. Member had brought the matter

under the notice of the House he should have concluded with a Motion founded on the allegation that he brought forward.

The honourable Member not being prepared to conclude his Complaint with a Motion, the House proceeded to the Orders of the Day.

LORD SANDHURST—MR. ANDERSON'S NOTICE OF MOTION.—OBSERVATION.

MR. DISRAELI: I wish to call the attention of the House to a matter affecting Public Business. I have observed a Notice of Motion given by the hon. Member for Glasgow (Mr. Anderson), which accuses a Peer of the Realm and a high functionary of corruption. I do not presume to give any opinion on the subject of the Motion; but I have observed that, after having appeared for some time on the Paper, it still remains without any day having been fixed for it. I think the House will agree with me that it is not for the welfare of the country, or the dignity of the House, that a Motion of such a character, addressed to a matter of such significance, should remain on the Paper without being brought to some decision. I beg, therefore, to state that I will give the hon. Member the earliest possible opportunity in my power of bringing the matter under the consideration of the House, and if the hon. Member will put it down as the first Motion for Thursday, I will take such steps as to enable the hon. Member to bring it on immediately on that day.

MR. ANDERSON: I beg to thank the right hon. Gentleman for giving me such an early opportunity for bringing forward the Motion. I shall put down the Motion for Thursday.

SUPPLY.

(Order for Committee read.)

Motion made, and Question proposed.
"That Mr. Speaker do now leave the Chair."

CRIMINAL LAW—ASSAULTS ON WOMEN.—RESOLUTION.

COLONEL LEIGH, in rising to call attention to the very insufficient punishment awarded to men for violent attacks on women, and to move "That an increased punishment should be employed

Mr. Herbert

in aggravated cases," said, a good deal was said about redressing women's rights, but he thought that the first duty of the Legislature was to redress women's wrongs. He had heard England called the Paradise of women, and it was in order to prevent it from becoming the Hell of women that he brought forward his Motion. He need not multiply instances, but they were continually hearing of outrageous and cowardly attacks upon women by men. Sometimes a woman who had only been married a fortnight appeared before a magistrate with two black eyes, inflicted in the first week of her marriage. Now, although it might have been the habit of Jezebel and of some modern women to blacken their own eyes, they were not likely to accept it as a proof of love on the part of their husband if he blacked their eyes for them. Sometimes men put their wives on the fire; sometimes they jumped upon them; at other times they were brought up for "purring" them, which meant "digging" the women with wooden clogs tipped and heeled with iron. Occasionally death ensued from these attacks, and sometimes a man got hanged. But it required a good deal of interest to be hanged now-a-days. The man might be punished by imprisonment, but the outrage often occasioned the death of the woman, for the broken rib penetrated the lung, or the violent blow sent the woman into the Cancer Hospital. It was a curious thing that the great difficulty in punishing these men came from the women themselves. Sometimes they pretended that they had injured themselves by falling down, and, generally speaking, there was no lie a woman was not ready to go through to save these rascals of men from punishment. In one case, where a woman's nose was much injured, she declared that she had bit it herself. There was usually no reason for these attacks, except that a woman had been "nagging" a little; but it should be remembered that a woman's only weapon of attack was her tongue. Besides, if a woman had been a little aggravating, that was no reason why, when she was within a few days of her confinement, perhaps, she should be knocked down, jumped upon, and treated worse than a dog in the streets. It was not the present generation only that was concerned; but

the sons of a man who beat his wife treated it as a matter of course, and became women-beaters when they grew up, and what the children in some families saw was enough to infernalize a whole generation. There was no sufficient punishment inflicted for such offences. A man might be sentenced to six months' imprisonment or a fine; but the punishment, whatever it might be, was not sufficient to prevent these aggravated attacks upon women. Garotting had been stopped by means of the "cat" in gaols, and he did not see why it should not be used against men who were in the habit of beating their wives. Some hon. Members were opposed to the "cat," because they believed it degraded humanity; but how was it possible to degrade it lower than those who continually maltreated unfortunate women? He proposed to give the Court a power to order flogging when it deemed it necessary, of adding to the number of lashes on the repetition of the offence, and, finally, of penal servitude. It might not succeed; but if it did, it would be a great thing to have put an end to a practice which was a disgrace to this country in the eyes of all Continental nations, who believed that if the English people could not sell their wives, they could beat them to death almost while they were alive. He would not trouble the House at any further length, because he felt sure that every hon. Member desired, if possible, to shield our countrywomen from the attacks which were so continually made upon them. He hoped they would excuse the weakness of the pleader, and only think of the strength of the appeal he made; and he was sure the women of England would not appeal in vain to the House of Commons. The hon. and gallant Member concluded by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an increased punishment should be employed in aggravated cases of attacks upon women by men,"—(Colonel Egerton Leigh.)
—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. DISRAELI: I am sure, Sir, the House must have sympathized with the appeal of my hon. and gallant Friend, for it is a subject on which there cannot be any difference of opinion. Everyone must be disgusted with the accounts we frequently read of assaults committed upon women—upon the gentler—I will not say the feebler—sex. I hope my hon. and gallant Friend will feel that he has accomplished his object in directing the attention of the country to the subject, and that he will allow my right hon. Friend the Secretary of State for the Home Department, whose mind is now occupied with this and similar subjects, time to reflect as to the practical mode in which the feeling of the country upon this subject can be carried into effect. I trust, therefore, that he will not ask us at this moment to come to any decision upon this particular question, feeling satisfied that, after the address he has made, Her Majesty's Government will bear in mind what is evidently the opinion of the House.

COLONEL LEIGH said, he was perfectly satisfied with the statement of the right hon. Gentleman, and would withdraw his Amendment. All he desired was fair play for the fairer sex.

Amendment, by leave, *withdrawn*.

NAVY—CONSTRUCTION OF IRON-CLADS.—RESOLUTION.

SIR EDWARD WATKIN: Mr. Speaker, in the terms of the Resolution of which I have given Notice, I now beg to move—

“That the mode of construction (assumed to have been introduced by the late Chief Constructor of the Navy) adopted in the ‘Captain’ and other iron-Clads—viz., deep empty spaces in the ships’ bottoms, and high centres of gravity, demands reconsideration on the part of the Admiralty.”

I have, Sir, postponed this question on two occasions—once at the request of the hon. Member for Pembroke, the late Chief Constructor of the Navy (Mr. E. J. Reed), who desired an opportunity to reply to my arguments, which he has not yet heard, and again at the demand of the Treasury Bench, to facilitate the discussion of the Intoxicating Liquors Bill. I now ask the indulgence and attention of the House while I, who am merely a man of business, accustomed for a good many years to the building

and the management of ships and ship-ping—I, who am neither a naval architect nor an admiral—endeavour to show that national treasure has been wasted, invaluable life sacrificed, and our naval credit damaged, by an erroneous method of naval construction. Sir, the House will, at all events, confirm me in the proposition that our ships should be safe—that they should be built to swim and to fight, and not to capsize. And if I wanted special justification for appealing to the patience of the House on this vital question, that justification would be found in a grave declaration made in this House by the highest authority—no less an authority than the First Lord of the Admiralty—that, warned by the tragical fate of another ship of peculiar construction, he had taken the *Devastation*—described by the “Committee on Designs” as “the first-class fighting ship of the immediate future”—out of the list of sea-going iron-clads. In point of fact, the *Devastation* is “disrated” by the First Lord. Thus, Sir, we find the “first-class fighting ship of the immediate future,” the most powerful war-engine of the whole iron-clad fleet, “disrated;” we know that the *Captain* capsized in no very heavy sea; and the House is familiar with the fact that many iron-clad ships have either been heavily ballasted, or have had their sails reduced, before accepted as safe to go to sea. Of course, it may be urged that this extra ballasting was always contemplated; for the usual official excuse for a miscalculation is, that what the House regards as an error was always contemplated. But I must stop that excuse before it is uttered here, as it may be. What authority can be more conclusive than that of the late First Lord? I will quote it—the right hon. Member for the City (Mr. Goschen) said last year in this House—

“An error was made in the construction of these ships”—specially alluding, I think, to the *Vanguard*, *Iron Duke*, and *Invincible* classes—“and to correct that error, it was necessary they should carry 300 tons of ballast.”

“An error was made in the construction,” says the late First Lord, and therefore it “was necessary” they should carry extra ballast to make them safe. The design produced an unsafe ship—the ballast tended to ameliorate the defect, and but for the ballast, any one of these ships, in which a capital of several

millions was invested, might have capsize as the *Captain* did. Now, Sir, if the captain of one of Her Majesty's ships gets his ship ashore, he has to undergo a court-martial, and his honour and his professional life—nay, it may be his very life itself, has to be weighed in the balance. But if a Chief Constructor or naval architect miscalculates and produces a bad design, there appears to attach neither investigation nor censure, and he is permitted to escape in a cloud of plausibilities—"some one else" always being to blame. I desire, Sir, to prevent all misunderstanding as to what I specially object to in the construction of the *Captain*, the *Devastation*, and other iron-clads, which have probably cost the country not less than £5,000,000, and it may be £10,000,000. It is not necessary for me to criticize the system of buoyant-bottomed ships in any other service than that of the Royal Navy, nor even for some of the uses of war itself. The system, under modifications, may have its area of usefulness, or it may not. What I object to is the adoption of a buoyant-bottom in war ships built with heavy side armour a thousand of tons weight—or far more, perhaps—and with heavy turrets and other top weight. The objection is obviously founded upon the simple action of the laws of nature. The buoyancy and the weight are placed in unproportionate positions; the result is—a high centre of gravity, the lifting up of the ship out of the water, and a deficiency of "stability," or, to use plain language, the power of standing upright in the water. I will now, Sir, with the permission of the House, proceed to show why these buoyant bottoms were introduced in the iron-clad fleet by the hon. Member for Pembroke when he had charge of the "construction" department. I will, not to weary the House, only call one witness. That witness shall be the hon. Gentleman himself. The hon. Gentleman, in a lecture at the Royal Institution, in 1871, said—

"The distance between the double bottoms has been made great in recent iron-clads, expressly to facilitate the raising the engines, boilers, and other weights, because it has been ascertained that the tendency of ships to roll has been reduced by this means."

Now, Sir, here we have the whole object. The "engines, boilers, and other weights" were to be "raised," and the

advantage to be gained was a reduction of the "tendency of ships to roll." "It had been ascertained," said the hon. Gentleman, that the "tendency of ships to roll" had been "reduced by these means" (the deep double bottoms). On the contrary, I shall show that in the ships in question, as designed by the hon. Member, the tendency to roll has not been reduced, but the contrary; and I entirely question that the truth of the principle involved, elucidated in its expected results, has ever been "ascertained" at all. On the contrary. When I come to speak of the proposed corrective for rolling in the case of the *Devastation*—namely, bilge-keels, I shall produce the evidence of the assumed author, Mr. Froude, to prove that his model of the *Devastation*, without the bilge-keel, actually capsized as the *Captain* did. Allow me, at this stage, to ask the House again gravely to consider all that is involved. It is said that the nation has invested £12,000,000 in 55 iron-clad ships. Were there any clear and reliable classified accounts at the Admiralty—which I was led to fear, by an answer of the First Lord to a Question of mine the other night, there are not—I have a strong opinion that they would prove that the real outlay has been a long way beyond £20,000,000 sterling. And assuming all the ships in commission, those ships would have a total complement of possibly 15,000 gallant men. What question could be more serious—honour, life, treasure to be saved or wasted by theories and calculations! The First Lord was good enough to direct my attention the other night—in giving me the usual official answer to the plain, practical Question of an independent Member—to the Report and recommendations of the Committee on Designs. Sir, I am aware there was such a Committee, and that it consisted of 11 civilians and six naval officers. A "Committee" or a "Commission," Sir, is a very convenient way of relieving an embarrassed First Lord of disagreeable responsibility. It is, unfortunately for the country, often adopted. The right hon. Gentleman himself has in this way availed himself of its shield and protection. Probably other First Lords will make use of it in future. But the right hon. Gentleman, in advising me to consult the Report of the "Committee on Designs," seemed to have forgotten that

there were two Reports. There was a majority Report and a minority Report; and were this the occasion, I should ask why it was that no one of the recommendations of that minority Report, prepared by the gallant Admirals Elliot and Ryder, found a place in his Statement to the House on introducing his Estimates? It is more than two years since that Report was made. What did it recommend? First, that Government should pause; second, that the use of heavy side armour should be discontinued; third, that an armour-plated deck, to protect the vitals of the ships, should be placed five feet below, instead of three feet above, the water line, thereby obtaining real protection for the fighting properties of the ship in place of a sham protection, and obtaining greater stability at the same time; and fourth, that elaborate experiments should be made to elucidate and correct the errors of past calculation. I greatly fear that all this thoughtful advice has so far been thrown away, and that millions of money are being wasted in consequence. I am no advocate for any false economy; but here, I presume to think, we have enormous waste and excessive danger combined, which no petty reductions here and there can redress. In fact, if I am right in my contention, supported as I am by high naval authority, the national treasure is being wasted in the worst possible form—wasted to produce danger to the Fleet. And why, Sir, did these distinguished naval officers—men who have navigated ships at sea, in storm and calm, able mathematicians—not men who only know a ship from drawing one on paper—recommend the discontinuance of side armour? Because the power of the gun's penetration has overcome the thickness of iron side-plating that a ship can float with—and the days of side armour are gone; yet the First Lord is using it still, and the House is voting the money away to waste. The gallant Admirals quoted Sir William Armstrong and Sir Joseph Whitworth, names quite as eminent as that of the hon. Member for Pembroke. Sir William Armstrong said, that—

“No practical thickness of armour can be expected to secure perfect invulnerability for any considerable length of time. At present, it is only the most recent of our armour-clads which has any pretence to be considered invulnerable.”

And he added—

Sir Edward Watkin

“Vertical side armour should be almost wholly abandoned, and water-tight compartments substituted.”

And he says further, that—

“No thickness of iron of less than 20 inches, supported by backing corresponding to that of the *Hercules*, would have any chance of offering the required resistance.”

Sir Joseph Whitworth says—

“It would be necessary, supposing the armour to be such as I have seen hitherto used, to have the plates not less than 20 inches thick; and for protection against a 13-inch gun, the armour would require to be not less than 24 inches thick.”

And now, Sir, to return to the immediate subject of discussion, I must again call up the hon. Member for Pembroke, and ask what he admits and what he denies. The hon. Member often writes to *The Times* for the information of his countrymen and of foreign nations. He wrote last year as follows:—

“Everybody knows that a foolish architect might make the vacant spaces between the bottoms dangerously large for the size of the ship, and that the proper amount should be determined by calculation.”

It seems to me, Sir, that the hon. Gentleman here admits the whole question. “If a foolish architect” can make a ship to capsize by “making the vacant spaces dangerously large”—that is, by giving too great buoyancy below, under the circumstances of solid weights of dead iron at the sides and above the water-line, heavy turrets towering above the deck, and the leverage of masts and sails—and if we have the capsizing of the *Captain* in illustration, surely the obvious inference, *prima facie*, is that that “dangerous largeness” was reached in the *Captain* if not in other ships. And this, Sir, brings me to the case of the *Captain*. I do not wish to cast blame. I do not profess to have any opinion to offer but that of a man of business, who has travelled much across the Atlantic and on other seas, and who is in the habit of making common calculations of every-day practice. It would appear from the evidence that everyone was to blame for sins of commission or omission except the builder, Mr. Laird, of Birkenhead, who simply obeyed orders in the construction of the ship, but who urged strongly that experiments as to her stability should be made before the ship went to sea—which experiments never were made. The hon. Member for Pembroke will, however, not forget that he

not only approved the original design of the *Captain*—buoyant bottoms and all—but he all but took the whole credit for that design, and likened it in all respects to his own invention in the *Bellerophon*. Here are extracts from his official letter. The whole of the letter will be found at p. 8 of the melancholy and unsatisfactory volume on the loss of the *Captain*—

“Mr. Reed (Chief Constructor) to the
“Comptroller of the Navy.

“20th July, 1866.

“After due investigation, I am satisfied that the ship is ‘well designed and proportioned,’ and that her dimensions are not unduly large for the weight to be carried and the speed to be attained. I do not think she differs materially in these respects from what would have been proposed in this department had their Lordships seen fit to sanction in our design an upper deck eight feet above the water. In fact, the tonnage of the new design is almost precisely the same as the *Bellerophon*, and it was upon the *Bellerophon* as a basis that I proposed to proceed, and strongly recommended Captain Coles to proceed nearly two years ago, as stated in my evidence before the Turret Ship Committee. The system of construction proposed for the ship is also the same as in the *Bellerophon* not only as regards the skin-plating and external stringers behind the armour, but also as regards the ‘double bottom,’ and the mode of putting it together with bracket-plates and short angle-irons. . . . In all these essential particulars, therefore, the proposed ship conforms exactly to the views which have been entertained for years past in this department.”

Upon the general question of the absolute, essential requisite of stability (p. 8, *Captain*), Mr. Barnaby (the Assistant Constructor of the Navy), in his evidence before the Committee on Designs, says—

“Stability and a sufficient reserve of buoyancy are the main considerations.” [104.]

Admirals Elliot and Ryder (p. 8, section 9.) state—

“That the stability of ships of war should be such as to ensure safety under all the varying condition of water and position of centre of gravity under all the exigencies of the service of the Fleet . . . ‘not’ sufficient rule of safety to be guided by an angle of vanishing stability calculated upon a normal condition of draught of water and position of centre of gravity (both of which are liable to great variation in the various requirements of the Fleet).”

It is true, Sir, that the hon. Members of the House are not naval architects, but in one sense we all have been naval architects. We had our little boats in childhood, and what was our experience? We cut out a piece of wood in the form of a boat, and we put in masts and sails.

We launched it on the *Serpentine*, and it toppled over at the first puff of wind. Learning by experience, we then nailed a bit of lead upon its keel. It stood then valiantly upright and resisted its enemy, the wind. Here, Sir, we have the whole principle in illustration. Weight below and buoyancy above the water-line—and therefore stability. The modern life-boat is the same. There are members of the Humane Society in this House. I ask, would they build a life-boat on the principle of the *Captain* or the *Devastation*? In fact, excessive buoyancy below and excessive weight above is simply a reversal of the life-boat principle. Now, I gather from the hon. Member for Pembroke that even he had compunctions; for in another letter of his to *The Times*, written after the loss of the *Captain*, he said—

“It would be quite proper in designing a new sea-going turret ship to replace the *Captain*, which I earnestly hope will be done, to go some distance in the direction of increasing the beam and of ‘lowering the centre of gravity,’ and the masting might also be decreased, although that may not be necessary.” [Letter, 29th September, 1870.]

Let the House put together the “foolish naval architect” and this proposal to lower the centre of gravity, each and both in connection with the never-to-be-forgotten letter of approval of the 20th of July, 1866, and say whether the inference is not a fair one—namely, that the hon. Gentleman became conscious of a mistake and did not frankly admit it? No one can have a higher opinion of the varied talents of the hon. Gentleman than I have. I believe he desired patriotically to promote the progress of the Navy. But I humbly conceive that he made an error—that he adopted a mathematical fallacy. Why should any man be afraid to admit a mistake? On one side, the admission would be taken as a noble deference to truth—and, on the other, men would be reminded that the only people who make no mistakes are the men who do nothing which is original or striking; and that progress must of necessity mount over the barriers of experiment, and great successes be the consequent of brilliant failures. Now, Sir, four causes have been alleged for the loss of the *Captain*. First, that she had too low a free-board; second, that her turret wrenched itself out of its bearings, that the water rushed into the aperture, and that she went down

vertically; third, that she had too little beam; and fourthly, that she was lost through rash seamanship. Sir, I will dismiss the last allegation without a word of argument, as an unjust stigma upon one of the most gallant men of Her Majesty's most gallant Navy. The ship might have been better for more beam, but that cause did not capsize her. As to the second cause, I know the work of Messrs. Laird too well not to be aware that the supposition of her turrets thus giving way is most groundless—even were it not, on the very face of things, absurd and impossible. Nay, we have the evidence of a living man that she did not go down vertically—that, on the contrary, she capsized. She heeled over 18 degrees. "I thought I had a good ship under me," said the gunner who was saved. She heeled again and went over, and the good ship, with her crew, sank never to appear again. Now, Sir, was it low free-board? I will here quote, if the House will bear with me, from the minority Report to which I have before alluded. Admirals Elliot and Ryder say (*p.* 3 of their report)—

"It is true that the faulty principle of want of stability became the more dangerous when co-existent with a considerable reduction of height of free-board; but the lowness of the free-board did not necessitate unavoidable danger, but only called for an increased provision of safety—namely, a 'much greater amount of statical stability' not only at small angles of inclination, but at all angles up to that of maximum stability."

And they go on to observe—

"We simply desire, therefore, to dissent here from any conclusion that this feature (low free-board) necessitated the disaster."

Sir, I ask the very serious attention of all concerned as to what is the most probable cause. It is admitted that she had a buoyant bottom—very buoyant. Her guns and engines were to be "raised." It is admitted that she had an enormous weight above this lighter and far more buoyant portion of the ship. It is well known that she had turrets, heavy guns, unyielding "tripod" masts, and sail on. What is the most probable theory? I have the authority of Admiral Fishbourne for stating that the cubic contents of the empty spaces in the bottom of this unfortunate ship were equivalent to 770 tons. "I thought I had a good ship under me," said the gunner, as she heeled over never to go back. The sails were acting like a

lever; the heavy turrets, and guns, and armour said, in the simple language of nature, as she inclined more and more—"We want to go down!" and then the buoyant spaces confined down below began to emerge towards the surface, and they said, in that same inevitable voice—"We want to go up!" At the critical instant of time, when buoyancy below and top-weight above had agreed to follow the laws of nature, a sea struck the ship and all was over. To my mind, Sir, and to my experience—and I feel most strongly how deficiently I have stated the case—there can be only one solution of this disaster. I repeat, therefore, with such a disaster before us—with ballasted ships—ballasted to "correct errors of design," and with the *Devastation* disrated—that the mode of construction to which I have asked the notice of the House demands re-consideration. The responsibility rests now with the First Lord. Will he take warning? Will he adopt and approve the principle, and say that he is personally convinced that it is sound and true, and that he intends to go on on the old line of what more than one eminent man regards as dangerous error, or will he not? It must rest with him, and I hope and trust that he will show the same caution and prudence in sifting the question which have influenced him in the case of the *Devastation*. I now come, Sir, to the *Devastation*, and the record of the opinions of both Commissions, Committees, and of scientific individuals is so conflicting and confusing, that if such doubtful and discordant views did not involve something of the tragic, they would be simply ridiculous. I do not hesitate to affirm that in private enterprise such a state of conflict would be impossible, and that as connected with a great national Department it is absolutely discreditable. What can the country think of the way in which millions are voted and spent and wasted, when what I am now going to read is collated and compared? The majority Report of the Designs Committee, dealing with the *Thunderer*, *Devastation*, and *Fury* class of iron-clads, says—

"It was necessary, therefore, to consider them capable of meeting bad weather in mid-ocean, and of fighting an action there, if necessary."

(That is, in European seas, the Channel, and the Atlantic), and they conclude—

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"We are unanimously of opinion that, subject to any improvements which further investigation in the direction we have pointed out may render possible, the *Derastation* class represents in its broad features, the first-class fighting ship of the immediate future."

The *Derastation* was, according to the Committee, a safe ship to fight an action in bad weather in the middle of the Atlantic. Sir Spencer Robinson, a distinguished authority (Appendix, page 17), says—

"She will be a perfectly safe sea-boat under all ordinary circumstances [3303], for instance, in a hurricane, or a first-class gale with a cross sea, and with a lee shore and lee current obliging her to be forced against head seas."

A most distinguished man of theoretical science (Sir William Thomson) reports—

"The Sub-Committee unanimously conclude that even without bilge keels or the 'super-structure,' the *Derastation* could not be capsized under any circumstances of the possibility of which there is any evidence."

Now, Sir, these are the printed and published speculations of 17 (less two) distinguished men, with Lord Dufferin and Clandeboye at their head, and the country might have expected that they were safe advisers. But, alas, Sir, for the fallibility of theoretic views, the *Derastation* is condemned as not safe to go to sea. The united voices of Admirals Elliot and Ryder must now be heard—they objected and protested at the time. They say (Report on Designs, March 11th, 1871)—

"The Scientific Sub-Committee has reported unanimously that the *Derastation* will be perfectly safe from capsizing under any conceivable circumstances; but it will be noticed that the curve of stability, as calculated by the Constructors, has been assumed to be accurate, 'and has not been re-calculated'—we are not aware that the theory involved in calculating curves of stability has been confirmed by any practical experiments on a sufficient scale."

Let me ask my practical fellow-countrymen what they think of this. The very vital principle—the *sine qua non* of safety—upon which all the calculations of safety were based, had it appears been "assumed to be accurate," and had "not been re-calculated;" and at the same time the "theory involved," we are then told, "has not been confirmed by any practical experiments on a sufficient scale." Yet in this condition of things millions are wasted and thousands of lives are imperilled. I venture to think, Sir, that I have made out a *prima facie* case for re-consideration. Nay, the question grows in gravity at every step.

Doubt augments as more and more confusion and conflict appear all round; and it is impossible not to welcome the advice of 1871, to "pause," and to make adequate experiments on an adequate scale. A word more. Will the House listen to what Admiral Fishbourne—a man who has served Her Majesty in every quarter of the globe, and who knows the behaviour of ships at sea as well as how to design them, a mathematician of no mean order—says about the *Derastation*? He says, and he has put it, on his responsibility, in print—

"On one occasion the *Derastation* gave so deep a lurch that all hands rushed on deck thinking she was not going to rise again, and possibly had she been struck with sea at this critical moment, as the *Captain* was, we should have had another proof of the folly, to use a mild term, of giving ships small initial stability and deep empty spaces in their bottoms."

At the risk of pressing most unduly upon the kindness of the House, I must now allude to the history of these buoyant bottoms, intended to "lift the engines and heavy weights out of the water, in order to moderate rolling"—as if that was everything! The scientific author of the theory is understood to be Mr. Froude; the practical advocate of it Mr. Reed—I mean the hon. Member for Pembroke. Now, I think the first prominent discussion in scientific circles took place in 1863, and Mr. Froude was certainly not unwarned. An eminent and highly-experienced authority, Mr. Scott Russell, said in 1863—

"Mr. Froude has recommended that ships should be constructed so as to have the largest possible periodic time of roll, and has recommended, as the method of giving this long periodic time, the lessening of her stability under canvas. I have carefully examined the subject with reference to the safety of following out such a principle, and I have compared it with the results of a long course of practice of my own, and have come to the conclusion that, both in principle and in practice, it would be unwise and unsafe to follow his advice. . . . Mr. Froude recommends for 'insuring the safety of a ship, as a practical measure, that it should have given to it such a distribution of weight as shall insure to it a long period of oscillation;' and he adheres to this maxim under conditions and to an extent which to me appear dangerous and unsound. What I assert is, that such a cure is worse than the disease. I do not think that this synchronism of oscillation (which Mr. Froude fears) is a formidable fact, or is an ordinary source of danger to real ships on real sea waves, as distinguished from experimental models in a fishpond."

But, Sir, Mr. Scott Russell was not alone. A man at the head of naval science,

the Rev. Dr. Woolley, said at the same period—

"I may safely say that, in the main, I agree with Mr. Scott Russell's remarks."

The Chairman, Canon Mozeley, in his concluding remarks, while allowing fully the merit of the investigations of Mr. Froude, says—

"In these words of caution I fully concur, and for this reason—that Mr. Froude, in pressing the conclusions of his own theory, which is entitled to all respect, seems to forget that, after all, his mode of viewing the question is but one among several."

Had these eminent objectors been told that anyone would be rash enough to add to other objections the dangerous combination of heavy armoured sides and immense turrets, I fancy the protests against the theory would have been even more energetic. Still the First Lord of 1863 must have known all this; and every First Lord ought to have had the good and the bad of the theory from time to time laid before him. But in the Report of the Committee on Designs, a Mr. Froude appears. He was one of the distinguished men whose conflicting views about the *Devastation* have been read. I presume he is the Mr. Froude of 1863. Now, if hon. Members will peruse that Report, they will find that Mr. Froude has, according to it, made some wonderful experiments "with bilge keels." He had made a large model of the Froude-bottomed *Devastation*, with bilge keels and without. The *Devastation* without the keels capsized; the *Devastation* with these keels—a thing, I believe, Sir, six feet wide, sticking out from the bilge of the ship—kept her legs. But I will read the evidence. Mr. Froude says—

"With 6 feet keels she made 4 and 3½ double rolls only, against 31½ and 29 without any keels. Tried without any bilge keels, the model rolled 21 degs. (weather-roll greatest), and happening to fall over towards an advancing wave, was overrun by it, and turned right over."

Fortunately, Sir, it was the model and not the ship which "turned right over;" but what do not the experiments show of the rottenness of the principle? Then, Sir, with the *Captain* gone, the *Devastation* capsized in model, and ballast used to cure "errors of design," it may but be fair to give the hon. Gentleman the credit of his views about the ballast. The late Chief Constructor of the Navy, in writing to *The Times* on the 7th of

November last, and touching upon ships of the *Vanguard* class, said—

"It would probably be necessary to correct the centre of gravity by ballast, observing that 100 tons of cheap pig iron in that form would serve the same purpose as 200 tons of expensive iron distributed throughout the hull and wrought into the structure."

We have it in evidence that as much as 500 tons of extra iron-cement ballast has been put into one of the hon. Gentleman's ships. Now will he assert that that was his original intention? I think he will not. But will he tell the House, here in his place, that 1,000 tons were saved in the structure of the ship in consequence? On referring to the Report of the Designs Committee, I find all the practical shipbuilders objecting to the weakness of the bottoms of these ships. They say some of them would not take the ground without damage—damage which on an enemy's coast might disable them, and hand them over an easy prey to even a weaker enemy. It may be said that in extending the illustration of 100 tons of ballast saving 200 tons of expensive material worked into the structure, to the *sequitur* that 500 tons of ballast could save 1,000 tons in structure, I have indulged in the *reductio ad absurdum*. I know, Sir, in my own mercantile experience, we go in for making a strong and safe ship; and we should consider it absurd and uneconomical in the last degree—Lloyd's would pull us up for it—to save material at the cost of strength and safety, and then to trust to ballast to prevent capsizing. The hon. Gentleman's alteration reminds me of George Stephenson's remark to me about Mr. Brunel's atmospheric railways. He said, in good, round north-country dialect—"The man forgets that a pound will never weigh more than a pound." And now, Sir, I have said, and others—who have in every sense a right to say it—that calculation has been in error, and that practical proof of scientific speculation has not been adequately given. I quoted Admiral Fishbourne because he has spoken and written on the result of a life of practical experience. I may abstract his published views of the causes of error. He says—

"The position of the centre of gravity is determined in the usual way, while the position of the 'centre of pressure' has been erroneously assumed. . . . The next proposition, &c., supposes the water . . . to become solid."

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. . . This is to introduce a change of law. . . . Thus it is manifest that the present metacentric method of calculation is erroneous."

The House will remember that reduced rolling was the object of the buoyant bottoms. I have here evidence showing conclusively that, while ballast here and there corrected the evil, the only advantage proposed has been utterly illusory; therefore I ask where, when, and by whom has it been "ascertained" that the "tendency to roll" has been "reduced" by "raising the engines, boilers, and other weights?" Now, Sir, what will be urged in reply? It will be said that in the Merchant Navy there are ships even less stable. One error, however, cannot excuse another, and the merchant ship has no armour and no turret. But I doubt the fact. Then it will be said, again, that there are, or were, ships in the Navy itself, less stable than the *Captain*, and quotations may be made of cases where the distance or depth of the spaces has been greater than in the hon. Member's ships. But that, if so, is only part of the truth. What is the relative total buoyancy in the comparative cases? and what is the comparative relation between the quantity of misplaced buoyancy and its distribution, and the weighting above the water-line? We never can forget, Sir, that unsafe ships make timid sailors. A brave tar said to Admiral Fishbourne, speaking of the iron-clad in which he had served—"They allowed us, Sir, to travel the world over for three years, and 'then' heeled the ship and found her unsafe, and put ballast into her." And further—naval failures in England are an assault upon our naval reputation—a bulwark of strength hitherto even better and stronger than a fleet. Who is responsible? Hitherto responsibility, like assessment, has been a mere "shifting of burdens." We have been warned of "old-fashioned admirals"—may there not be rash and adventurous naval architects? Which is the best, where life, treasure, and reputation are at stake—over-prudence or temerity? I trust the First Lord will not accept the latter line of conduct. I fear, Sir, much of the fault must ever attach to our system of Parliamentary or party government itself. The exigencies of party in the reward of party service lead to the appointment as First Lord (for example) of some distinguished man from the an-

tipodes, or some great merchant of exchange from the City, or some popular country gentleman quite up to corn and cattle. Usually these appointments are made somewhat late in life; and all the associations and experience of such Gentlemen, great as their talents naturally may be, are in opposite directions to the technical knowledge and power of governing bodies of men in the intricate business of a vast naval Department. Well, when such a First Lord enters upon his duties he must be a nonentity—I mean, that he must be guided and governed by the permanent officials about him. In a while he emerges, and feels his feet somewhat. He becomes an entity. He may at last gather strength enough to discharge some useful officer, whose will may be stronger than his own; and just as he is to become useful, independent, and the owner of a naval policy, the Government to which he belongs is split by a feud, killed by a hostile majority, or commits *felo de se* through an unexpected Dissolution. The only hope, Sir, that I see for improvement is derived from the belief that this House will give more attention to practical questions, and will be, as I hope in this case, disposed to support a policy of prudence in dealing with the safety and progress of our Navy. The hon. Member concluded by moving his Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the mode of construction (assumed to have been introduced by the late Chief Constructor of the Navy) adopted in the '*Captain*' and other ironclads, viz. deep empty spaces in the ships' bottoms, and high centres of gravity, demands reconsideration on the part of the Admiralty,"

—(Sir Edward Watkin.)

—instead thereof.

MR. E. J. REED said, his hon. Friend the Member for Hythe (Sir Edward Watkin) had arrived at a somewhat lame and impotent conclusion. He had complained of City men and country Gentlemen being made First Lords, and yet thought it would be an improvement to make the whole of the House of Commons, in its corporate capacity, the head of the Admiralty. That, instead of being an improvement on the present system, would be one of the most unfortunate things which could happen. It would be utterly impossible for the

House to give instructions upon minute points of shipbuilding, respecting which most of its Members knew little or nothing. He objected to such a thing; but he also objected to the hon. Gentleman having linked his (Mr. Reed's) name with the name of the only iron-clad of the British Navy which had been lost, whereas not one single iron-clad ship which he had constructed had been lost or endangered. Whatever might have been his shortcomings when he was Chief Constructor, they had not in any way been associated with the designing of the *Captain*. That was the one single ship which had been designed outside the Admiralty during his term of office, and that was not even an imitation of anything in the designs which he constructed at the Admiralty. It was intimated in the Motion that he introduced unusually high centres of gravity; that he introduced unusually deep double bottoms; that the designer of the *Captain* imitated his vicious example in these respects; and that the ship was lost in consequence. The hon. and gallant Member for Chatham (Admiral Elliot) had made many of those brief speeches which were embodied in the words "Hear, hear," but he challenged the hon. and gallant Member to invalidate any of the facts and figures he would now adduce. With regard to the first proposition: before his period of office there were three classes of ships—the *Minotaur*, representing the *Northumberland* and *Agincourt*; the *Achilles*, representing the *Warrior* class; and the *Valiant* representing ships of the *Hector* class. To estimate the height of the centre of gravity you must have a basis of measurement, and he took the surface of the sea. In the *Achilles* the centre of gravity was $1\frac{1}{2}$ feet below the water surface; in the *Valiant* it was $1\frac{3}{4}$ feet; and in the *Minotaur* it was very nearly 2 feet. In the first iron-clad he had constructed, the *Bellerophon*, it was a little more than 2 feet. So, instead of producing a high centre of gravity, he introduced a lower one than that which characterized the three classes of vessels introduced by his predecessor. Then with respect to double bottoms: when the building of the *Minotaur* was committed to the Thames Iron Shipbuilding Company, the managers and architect proposed that a double bottom should be introduced; the Admiralty concurred in the proposition; it was accordingly in-

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troduced; and the distance from the inner bottom to the outer one was 6 feet; and yet he never heard that she exhibited any unsafe qualities or any tendency to capsize. In his ship—the *Bellerophon*—the distance was only $4\frac{1}{2}$ feet. These facts swept away the first two affirmations as to the centre of gravity and double bottoms, which, apart from other considerations, had nothing to do with the safety or unsafety of the ship, and the assertion that they had, would only be made by a person who was dabbling in a subject he did not understand. Next, with respect to the *Captain*—which he repeated, he did not design—her centre of gravity was placed as low as 2 feet 11 inches below the water, and the space between her bottoms was only 2 feet 7 inches. His hon. Friend was, therefore, entirely wrong in supposing either that he raised the centre of gravity or increased the depth of the double bottoms, or that the designers of the *Captain* gave her a high centre of gravity and a deep double bottom; indeed he did not know in what respect both in his speech and Resolution, the hon. Member was not wrong. He did not know how far it was right for an hon. Member on such an occasion as that to make a speech travelling over so many important subjects, and so much ground that required special notice and due consideration, nor did he know whether it would be competent for so young a Member of the House as he himself was to take advantage of the indiscretion of another hon. Member, and to go into all the questions which had been raised as to the construction of the *Captain* and the *Devastation*. In the letters in *The Times*, with which the hon. Gentleman had reproached him, he had communicated what he thought due to his position as to both those vessels, but he would now state, however, what it was important the House should know, that the *Captain* was not lost, and the *Devastation* was not suspected, from the causes assigned by the hon. Member; and if they had been, his hon. Friend had not exhibited proofs of sufficient knowledge of the subject to enable him to discuss them to the satisfaction of the House. The hon. Gentleman actually attempted to cast derision upon him (Mr. Reed) for having imagined that a ton of ballast placed low would have the same effect as two tons placed high, but probably no other hon. Member was so

deficient in nautical knowledge as not to be aware that such was the case.

SIR EDWARD WATKIN said, it appeared from a statement of the hon. Member that 100 tons in ballast would save 200 tons of material in structure; and from that he had argued that 500 tons would in like manner, save 1,000.

MR. E. J. REED said, he had no doubt his hon. Friend meant something he thought was correct, but not understanding the subject on which he spoke, he was not correct. The House would remember that a few years ago it became a matter of importance to check the tendency to enormous rolling which many iron-clad ships displayed; and that was done, not by raising the centre of gravity or deepening double bottoms in the abstract, but by making these changes in relation to the metre centre, and other changes of great importance. They gradually diminished the meta-centric height of various ships as they were successively built, until at length, in designing the *Audacious* class, they believed they had got to the limit, having also saved weight in the bottom from the waterline downwards. They, consequently, had a little less stability than was required, and restored it by placing about half the weight saved in the form of ballast in the bottom. Singular and unnatural as this might appear to the hon. Member, he could assure him that that could be done in exact conformity with natural laws, and he was sure the House would not wish to repeal, or cast doubt upon a law of nature. That they had succeeded in the *Audacious* class of ships was, he believed, well known. He had a letter from an eminent officer and high authority on the subject, which only reached him yesterday, and he refrained from giving the name of the writer, simply because the envelope in which it was enclosed was marked "private." The *Invincible*, which belonged to the *Audacious* class, sailed from Malta and arrived at Barcelona on the 8th March. She encountered very heavy seas and high gales, but her great guns were worked in the worst weather, the practice made being extremely good, three targets being shot away. The gale lasted 30 hours, and the ship rose as buoyantly as if she had been a wooden frigate, and she inspired the utmost confidence not only in her sailing, but her fighting qualities in the minds of every-

one on board. That was a sufficient answer to the statements which had been made by the hon. Member on the authority to which he had referred. He (Mr. Reed) did not complain of criticism, but he should be pained if the House were led astray by views derived from the writings of a half-crazy Admiral whether enunciated at first or second hand. ["Oh, oh!"] He hoped he was not out of order in saying that, for he esteemed Admiral Fishbourne's writings as proofs of a half-crazy condition of mind. They were not accepted by any man of science, and he was accustomed to consider gentlemen who imagined themselves wiser than all the world as being in a state of half-craziness. He was satisfied that the ships with which he had been associated had been successful; but he must advert for a moment to the *Captain*, and if he were asked the cause of her loss, he would explain that, while more stable than ordinary ships in an upright or nearly upright position, she was without sides to continue that stability under other circumstances. Comparing her with the *Monarch*, which he designed by order of the Admiralty to embody Captain Coles' principle, her righting power at 5 degrees from the perpendicular was represented by 2,330 foot-tons—in other words, a force equivalent to one ton acting at the end of a lever of 2,330 feet, or 2,330 tons at the end of a lever of one foot in length, while the stability of the *Monarch*, a somewhat larger ship, was 1,990. At 10 degrees the *Captain's* stability was 4,200 foot-tons, the *Monarch's* only 3,820. At 15 degrees the stability of the two ships became equal, because the *Captain* had begun to immerse her deck, while the *Monarch* went on immersing her side. At 20 degrees the *Captain* had only 7,000 foot-tons stability, whereas the *Monarch* had risen to 8,140; and at 25 degrees the *Captain* was in the fatal position of having a diminishing stability, because of her want of sides. Her stability had fallen to 6,850 foot-tons, while the *Monarch's* had risen to 10,630. At 35 degrees the *Captain's* had dropped to 5,000; and the *Monarch's* had risen to 15,000; at 45 degrees the *Captain's* was 2,700, while the *Monarch's* remained at 15,000; and at 55 degrees of inclination the *Captain's* stability had wholly gone, but the *Monarch* had 10,600 foot-tons, or double the amount she had at 15 de-

grees. With figures like those it was idle to close their eyes to them, or to look in any other direction for explanations of a most obvious fact. His hon. Friend said that it appeared from something he (Mr. Reed) was supposed to have said or written, he did not know when, that he had advised, if another *Captain* was to be built, she should have greater beam and a lower centre of gravity, and he seemed to think that was inconsistent with his present view. In fact, however, it was in exact conformity with all he had ever said or thought about the matter. They might have a ship with as low a free-board as the *Captain*, but they must give her an enormous initial stability. He thought he had said enough to satisfy the House that the *Captain* was not built according to his instructions, but in violation of them, and was not lost from the causes the hon. Gentleman supposed; and if the House did decide on dictating to the Admiralty how centres of gravity were to be placed—which he might inform his hon. Friend, were not like stores, which could be drawn out and placed half way up the mast, or half way down the hold—they would be going back to the infantile experience of his hon. Friend. In conclusion, he begged to assure the House that he had very unwillingly taken part in preventing it from proceeding with the actual business before it.

ADMIRAL ELLIOT said, he stood there in defence of his oldest friend, who was not in this world to defend himself—he stood there to defend the character and reputation of Captain Coles. The hon. Member for Pembroke (Mr. E. J. Reed) did not think it unbecoming to bring the name of Captain Coles before his constituents at Hull, and charge that officer with the loss of the *Captain*. The hon. Member had thereby sought to damage the reputation of Captain Coles; but he (Admiral Elliot) maintained that Captain Coles was no more responsible for the loss of the *Captain* than the Speaker whom he was then addressing. That able officer was considered one of the brightest ornaments of the profession.

MR. E. J. REED rose to Order. He was not aware that he had even mentioned Captain Coles, or made any attack upon him. It was of course impossible to refer to the *Captain*, which was built according to his designs, without his name being involved, but that was no attack.

Mr. E. J. Reed

ADMIRAL ELLIOT said, that he held in his hand an extract from a speech of Mr. Reed's, taken from *The Hull News*, October 18th, 1873, wherein he distinctly sought to saddle Captain Coles with the responsibility for the loss of the *Captain*, and the hon. Gentleman had stated to-night that the *Captain* was lost owing to one main feature in her construction—namely, the low free-board which was introduced by Captain Coles. It was not surprising, then, that his widow should ask whether no friend would stand up in his vindication. He (Admiral Elliot) had known Captain Coles for 45 years; he was a man of genius, and commanded the confidence of all who knew him. If he had been in that House, he would have been able to answer fully those who assailed him and who were really responsible for that feature in the construction of the *Captain*, which was the cause of her loss—namely, insufficient beam. He contended that the Correspondence which had been laid upon the Table proved the real responsibility for the loss of the *Captain* rested with the hon. Member for Pembroke and the Controller of the Navy, who had approved and carried out the plans submitted to the Admiralty, which plans contained a gross error in naval architecture, for which Captain Coles was in no way responsible. He considered that the hon. Member for Hythe had introduced with great ability a subject of the highest importance to the Navy. He agreed with the hon. Member for Pembroke that a double bottom, *per se*, was not a criterion of the unsafety of a ship, also that a high centre of gravity, *per se*, was not a criterion of the unsafety of a ship, and he would go further and say that a high centre of gravity and a double bottom combined were no criterion of the unsafety of a ship; but if they took those two elements in connection with a want of beam, they did get a criterion of the unsafety of the ship; and he considered the *Captain* was lost on account of not having sufficient stability, and that, he contended, was an error in construction. The design of that ship, when worked out, was submitted to the Construction Department of the Navy, and they reported on those calculations that she had sufficient stability; and if they had not done so, she never would have been built. He thought the hon.

Member for Hythe (Sir Edward Watkin) had done good service in calling the attention of the Admiralty to this matter. In the *Captain* they had a double bottom, a centre of gravity which was not a low one, a freeboard of only 6 feet, and she had 5 feet less beam than the competitive ship, the *Monarch*. If everything had been done to try and make a ship that would upset, these conditions were found in the *Captain*. She carried more weights than were necessary; but he believed that with 7 feet additional breadth of beam she would have been a perfectly safe ship, and would have been now afloat, and the most powerful fighting sea-going ship in the Navy. Captain Coles never presumed to be a naval architect, but merely designed a ship, leaving it to the scientific men to work out that design. And there was no reason why they should not have worked it out safely. With regard to the 8 feet freeboard which Captain Coles suggested, it was not proof of itself that the *Captain* was unsafe, or how did it happen that merchant ships with less freeboard as compared to draught of water, were able to go to all parts of the world in safety, the usual scale for merchant ships being 3 inches of freeboard per foot of draught? It was on record in a public Report that the Construction Department of the Admiralty, at that time, held the opinion that an 8 feet freeboard did not, *per se*, represent an unsafe ship. It further appeared that while the *Captain* was in good repute, five shipbuilders were invited to send in to the Admiralty designs for ships-of-war of the same class. The Construction Department reported on these designs, and gave the preference to that of the Messrs. Laird, the height of freeboard of their ship being the same as that of the *Captain*, as submitted by Captain Coles—namely, 8 feet. That was the hon. Member for Pembroke's own Report. How, then, could it be pretended that the hon. Member had it in his mind at that time that the *Captain* was an unsafe ship on account of her low freeboard, he having approved of an 8 feet freeboard. Moreover, the late Chief Constructor and the late Controller of the Navy had themselves sent in a design of a ship with only 8 feet freeboard amidships, to compete with the designs of the shipbuilders; so that neither in the mind of one nor the other was

the 8 feet freeboard regarded as an element of danger, and in all these competitive designs there was no restriction as to the height of freeboard which might be selected by the designers. Some of the designs sent in had a very high freeboard, yet Mr. Reed gave the preference to a freeboard of 8 feet. Ho (Admiral Elliot) was one of those who believed that an 8 feet of freeboard would have made a perfectly safe ship if she had sufficient beam, and Mr. Reed must have thought the same, or he would not have selected that height of freeboard for his own design. Ho considered that, most unjustly, this question of 8 feet of freeboard had been made use of to cover a scientific blunder, and he asserted that giving more beam to the *Captain* would not necessarily have reduced her speed. After that ship was constructed it was found that she went down 18 inches deeper in the water than had been intended, and yet she was actually allowed to go into the Bay of Biscay, when it ought to have been known that if she heeled over by pressure of canvas in the long swell of the Bay of Biscay, $6\frac{1}{2}$ degrees, she would inevitably go down. This information was afterwards afforded by the Scientific Committee of the Committee on Designs for ships of war, and it ought to have been ascertained by the Chief Constructor before the *Captain* put to sea. With regard to the question of responsibility for the disaster, he maintained that Captain Coles was perfectly justified in recommending an 8 feet freeboard, for that freeboard was approved and adopted by the Construction Department of the Admiralty. To bring forward, therefore, her low freeboard as the cause of her loss was quite unjustifiable; and he held also that the First Lord or the Board of Admiralty could not be held responsible for a scientific error in construction. They must look elsewhere for the responsibility. The Messrs. Laird, when it was found that the vessel went down 18 inches to 2 feet deeper than was intended, demanded that an inquiry and experiments should be made. A very long delay, which had never been explained, ensued before these experimental tests were made, and after they were made, all concerned were left in perfect ignorance of the result. The *Captain* was allowed to go to the Bay

of Biscay after those tests were made, and remain there after the result of those tests were known to the Construction Department, and neither the Admiralty nor Captain Burgoyne were informed of the real state of the danger which those tests had disclosed, although a telegraphic message to Vigo would have conveyed the information, which would have saved the ship from the inevitable danger which was impending. Was it likely that Captain Coles and Captain Burgoyne would have endangered not only their own lives but the lives of so gallant a crew if they had been correctly informed as to the danger which existed? He held that the paid officers of the Crown ought to have known every feature of the ship when she was constructed, and more especially when it was found that the ship floated deeper by 18 inches in the water than was intended, thereby intensifying the blunder originally inherent in her construction. He held that great neglect was displayed in the delay of making the experiments asked for by Messrs. Laird, and still further in allowing 17 days to elapse before the calculations were made for ascertaining the result; and that the concealment of the danger, disclosed by the result of those calculations, was inexplicable. These gentlemen had written strong letters in their day; but could they show a single letter to the authorities stating that the ship was dangerous and would go over if she heeled $6\frac{1}{2}$ degrees in an Atlantic swell under pressure of canvas? The strong point of evidence in favour of Captain Coles was that although every effort was made to induce him to sign a certificate that the *Captain*, as built, represented his opinions, yet he would not do so. The hon. Member for Pembroke had referred to the *Bellerophon* as a proof that he was not an advocate of a high centre of gravity. But that ship was a notoriously uneasy one, and this fact might have had something to do with the building of ships of less stability. A number of curious scientific notions had existed in regard to the construction of vessels of war. It did not seem to be thoroughly understood that the days had gone by for putting ballast in any ship, much less in a steamship. Then there were vessels like the *Cyclops*, which were only fit to go from port to port in favourable weather, and others, like the *Bellerophon*, which

Admiral Elliot

drew 5 feet or 6 feet more water aft than forward, and being built with a plough bow, carried tons of water before her as an impediment to her speed. He would call the attention of his right hon. Friend the First Lord of the Admiralty to the fact that a large sum of money was to be voted that night for the purpose of building ships to be plated with 8 inches and 10 inches of iron; and it was alleged that this was a sufficient protection against guns now in existence on foreign stations, but he protested against such a dangerous decision. His great principle was to protect a ship in such a manner, by an armoured deck 5 or 6 feet below water, that her boiler and magazine should be safe; but a ship plated only with 8 or 10 inches of side armour could not by any possibility resist heavy guns, and in an engagement, therefore, her boiler and her magazine were liable to be blown up by the first shell of the enemy. The whole story of armour *versus* guns was this. In 1861, and again in 1872, both Sir William Armstrong and Sir Joseph Whitworth said there was no limit to the power of the gun, and that 24 inches of iron on a ship's side was insufficient to resist the gun that could be produced and carried on shipboard, and could not, therefore, be considered a permanent defence. Beginning with 4 inches we had gone on gradually, as guns increased in power, till now, in the case of the *Inflexible*, we had reached 24 inches of iron. There was no guarantee that even this thickness would be impenetrable; and he contended that, looking to the enormous sacrifices made of other valuable warlike properties, in order to obtain this thickness of iron over so small a portion of the hull, the continued use of side armour of any lesser thickness could not be supported on the principle of armour protection. On the whole, he did not object to the *Inflexible* as a last attempt at side armour protection, although he objected to mastless ships. In her there was partially an armoured deck below water, and this was a step in the right direction. He ventured to say, moreover, that she would have more stability than the *Devastation*, and would live and fight when the *Devastation* might be expected to founder. As to her side armour, it was to be confined to the centre of the vessel. But to build iron-clads with 8 inches to 10 inches of armour, and to count upon

this as a sufficient defence, was neither scientific nor judicious; it was simply inviting an immediate and total destruction of a ship by the exposure of magazines and boilers. Before proceeding further in this course, it was most desirable that the opinions of authorities outside the Admiralty should be ascertained and considered. He wished distinctly to disclaim any intention of casting reflection on the ability of the present Board of Construction of the Navy. Those gentlemen had now obtained great experience—no matter how—but it was nevertheless a pity, he thought, that the old system—under which such men as Mr. Watts and Mr. Large, and Mr. Abethell, who, after long practical experience, had reached the Board of Construction—should have been interfered with. The result had been a greater amount of scientific eccentricities than had ever previously been witnessed—arising out of the appointment of young and inexperienced men in the place of old officers, who, as master shipwrights of Her Majesty's Dockyards, had possessed not only the scientific acquirements obtained from the School of Naval Architecture, but that most valuable feature of efficiency—namely, practical experience. He held that the practical knowledge acquired by master shipwrights, from long and constant interchange of ideas—as regarded the warlike and sea-going requirements of ships-of-war—with captains and Admirals, and, in fact, all the executive officers of the Fleet was most valuable, and that it was most desirable, for the interests of the service that the Construction Department of the Navy should, as in all former days of our naval supremacy, be recruited from the ranks of the master shipwrights of Her Majesty's Dockyards. That system had produced that combination of science and practical efficiency so conspicuously displayed in the perfection of naval architecture during the Controllership of Sir Baldwin Walker. With regard to the *Captain*, he thought it was a scandal that the loss of that ship had never been brought to bear on those who were really responsible; and he believed that if a full investigation took place, his lamented friend, Captain Coles, would be entirely released from blame, whilst those who had been seeking to sully his reputation would find themselves condemned at the bar of

public opinion, if they were not so already.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

NAVY—ADMIRALTY ADMINISTRATION. OBSERVATIONS.

MR. BENTINCK, in rising to call attention to the want of harmony which seems to have existed at the late Board of Admiralty; and to move for a Copy of the submission of the Comptroller of the Navy of last year and the present year preparatory to forming the Navy Estimates, said, that great apprehension existed in the minds of many persons as to the position of our Navy, and that it was clear, from statements made in the House and in the public journals, the impression prevailed that there had been hitherto in the conduct of our naval administration a want of harmony at the Board of Admiralty which had been productive of the most disastrous consequences. Assuming that proper harmony did not exist—assuming the impression which existed to be correct, that there had been a divergence of opinion between the naval authorities and the civilians—he came to the conclusion that the naval opinions had been overriden by those of the civilians. If that were the case, the management of our naval affairs was not what it ought to be. He believed the country to be of opinion that the system which now existed was an erroneous system, and that under such a system mismanagement must naturally be the result. He would ask, was it reasonable that the House should be called upon to vote Supplies for the Navy, and yet be utterly in the dark as to how the affairs of the Navy were administered, and on whom the responsibility rested? He believed that information could be obtained in the manner which he had suggested in his Motion, which he would now submit to the House.

MR. SPEAKER observed that such an Amendment could not now be moved.

MR. BENTINCK wanted to know if it was not competent for him to move an Amendment.

MR. SPEAKER said, the House had affirmed the Motion that the words "That I do leave the Chair" should

stand part of the Question, and any Amendment must be consistent with that Question. The words proposed by the hon. Member were not consistent with that Question.

Mr. BENTINCK, while submitting to the decision of the Chair, said, he regretted that his Amendment was not in Order, but expressed a hope that he should receive sufficient support to induce the Government to furnish the country with the information which he desired to obtain, so that it might be known who were really the responsible parties at the Board of Admiralty. His object in bringing forward the question was to obtain an expression of the opinion of the House.

Mr. GOSCHEN said, the hon. Member for Norfolk had asked certain questions on subjects concerning which, he said, the country was in the dark. But he gathered from what had passed in the House before, that the hon. Member was sometimes in the dark when other people knew perfectly well what was going on, and that when explanations were given to him it was perfectly impossible to make them reach his mind. Therefore, he feared that very little that fell from him would be satisfactory to that hon. Member. Even if his explanations did to any slight extent reach the hon. Member's mind, they were only sufficient to make the hon. Member misunderstand him, and become incredulous as to what had been stated. Therefore, the hon. Member could not be surprised if no long answer were given to his question. Perhaps, however, he might make the hon. Member understand what he meant better than he had done on a previous occasion if he now told him that no want of harmony had existed at the late Board of Admiralty. The submissions made for a certain number of men by the Comptroller last year and in the present year had been granted by the Board of Admiralty. Those were, he thought, clear statements, and he hoped they would satisfy the hon. Member, or would at all events satisfy those hon. Members who believed what was told them. It was perfectly well known to the House that the First Lord of the Admiralty was responsible for the Estimates which were laid on the Table, and the hon. Member might as well ask how the Home Secretary or the Secretary of State for War was advised with regard to his

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Department as to call for the departmental statements on which a Ministerial decision must be founded. Of course, there would be differences of opinion, even when men acted together with the greatest harmony; and he could only state in the strongest terms that it was incorrect for the hon. Member to place on the Paper the allegation that a want of harmony appeared to have existed in the late Board of Admiralty. The hon. Member believed that as long as the First Lord of the Admiralty was a civilian, there was no chance of the Navy being in an efficient state. In 1872, in Committee of Supply on Navy Estimates, the hon. Member moved the omission of the First Lord's salary from the Estimates, to test the feeling of the House on the question. And what support did he receive? The hon. Member was afraid to divide, and his Motion was negatived without a division. The debates on the Navy Estimates from year to year—and not less this year than in any previous one—would convince the House that the post of First Lord of the Admiralty was one of considerable difficulty, and as long as Parliament continued the system of placing a civilian in that position, he trusted that Parliament would support him when he tried to do his duty. He put it to the good feeling of both sides of the House whether, while it was thought absolutely necessary in a constitutional sense to retain a civilian as First Lord of the Admiralty, they should in every debate assert that he must be incompetent to do his duty. Let them make up their minds either that there should be a professional man at the head of the Board of Admiralty, or that there should not; but if they thought a civilian ought to have those difficult and arduous duties cast upon him, he hoped the House would support him when he endeavoured to perform them.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—NAVY ESTIMATES.

SUPPLY considered in Committee.

(In the Committee.)

(1.) £1,235,326, Dockyards and Naval Yards at Home and Abroad.

Mr. HUNT stated, in answer to a Question, that the Vote included a Supplementary Sum with the Original Estimates.

Mr. SHAW LEFEVRE said, that the Committee would perceive that the Supplementary Estimates which the right hon. Gentleman had proposed to take under this head as compared with last year was £150,000, but that only £95,000 of that sum was to be devoted towards increasing the fighting force of the Navy—namely, to hasten the building of the *Shannon*, the *Superb*, and the *Inflexible*, and to commence two new iron-clads, each of which was ultimately to cost £250,000. It was proposed, however, only to advance these two vessels by about one-tenth. The result, as the difference between the estimates of the late and those of the present First Lord, was represented by about 1,850 tons of addition to the effective strength of the Navy, or about one-third the quantity contained in a ship of the size of the *Superb*. The right hon. Gentleman had stated the other night that that sum was not the measure of our deficiencies, and that in all probability next year an additional sum would be required to place our Navy on a satisfactory footing. Next year would probably take care of itself, and the right hon. Gentleman would very likely then find good reason for not increasing the Navy Estimates. The right hon. Gentleman had said he could not spend any more money on the Navy this year if he had it. Now, the right hon. Member for Pontefract (Mr. Childers) had been able to spend £550,000 in 1871, after the month of August, and therefore the right hon. Gentleman opposite, having 10 months of the financial year before him, could spend 20 times the sum he had asked for upon the Navy, if he chose to adopt such a course. Thus he might have spent more in hastening the *Superb* and the *Téméraire*, and in completing the new works at Chatham. His main object in rising, however, was to ask the right hon. Gentleman whether the sum of £6,000 which he proposed to spend on a depot ship for Hong Kong was the total sum that would be required for that purpose, because he knew that the fitting out of depot ships was generally a very expensive matter, the fitting out of the *Victor Emmanuel* for the Gold Coast having required about £35,000;

while the purpose for which they were sent out could be more satisfactorily and economically attained by erecting hospitals on shore. The late Government had established a hospital on the shore Hong Kong, and he believed that it was a wise policy to have shore depôts instead of ships wherever that was possible.

Mr. HUNT replied that the sum of £6,000 referred to would not be the total sum required for fitting up the depot ship for Hong Kong, and that at present it was impossible for him to state exactly what the total sum required would be. He thought, however, that the sum of £10,000 would cover the expense. The depot ship at Hong Kong which this ship was to replace was reported to him to be unfit for human habitation, and the *Victor Emmanuel* had accordingly been ordered out to replace her. She had been fitted out with a great many special appliances when sent to the Gold Coast, which would account for the great cost; but on this occasion it would be materially less.

Mr. GOSCHEN wished to impress upon the right hon. Gentleman the expediency of a suggestion he offered on a former evening—namely, that he would consider the advisability as far as possible of replacing receiving ships on foreign stations by iron-clads, which would add to the strength of the defences, and, so to speak, kill two birds with one stone.

Mr. CHILDERS, seeing his right hon. Friend the Chancellor of the Exchequer in his place, wished to put a Question to him of which he had given him private Notice. The Naval Supplementary Estimates amounted to £150,000, and they contained provision to the extent of £40,000 for the year, to be expended on two vessels of the *Shannon* class. As far as could be at present ascertained, the expenditure of that sum on these vessels during the present year would mortgage the Estimates next year to the extent of £400,000. It was now some little time since the commencement of the financial year, and two months' since his right hon. Friend must have framed his Budget, and the Question he wished to put to him was, whether at the present time, with the experience he had had since the commencement of the financial year, he was so satisfied as to the prospects of

the Revenue as to feel that Supplementary Estimates could be passed without additional Ways and Means? He admitted that it was difficult to forecast the prospects of the financial year in the middle of May; but still many pregnant facts were known, and it was not unreasonable that he should call the attention of the right hon. Gentleman to them, and elicit from him a statement with respect to the finances which could not fail to be of considerable importance. The great heads of the Revenue were the Customs, the Excise, and Stamps. The right hon. Gentleman, in making his Financial Statement, had announced that he anticipated an augmentation under the head of the Excise of £918,000, and under the head of Stamps of £330,000, making a total augmentation under these two heads of £1,248,000. It was true that under the head of Excise there would be a considerable falling off in the last quarter of the year, when the horse duty came to an end.

SIR JOHN HAY rose to ask, whether the right hon. Gentleman was in Order in raising that discussion on a question of general policy at a moment when the Speaker had left the Chair?

THE CHAIRMAN said, that as far as the right hon. Gentleman's remarks applied to the Supplementary Estimates he was in Order; but that he would not be so, if he proceeded to discuss the financial policy of the ensuing year.

MR. CHILDERS said, he had not the slightest intention of raising any question of general financial policy; the figures he was referring to bore upon the question, whether they could vote the Supplementary Estimate without making provision for it by taxation or other means? What he was showing was that, according to the Treasury Returns up to the 8th or 9th of May—if the portion of the year which had just passed was a fair criterion—instead of there being £138,000 in excess of the receipts of last year, under the heads of Excise and Stamps, there had been a falling off to the extent of £187,000—equal to a deficiency of £325,000, or £2,900,000 upon the year. The Customs were more difficult to compare; but here, again, he doubted whether the Budget Estimate would be fulfilled. He wished to know if there were any disturbing causes in action, which would prevent the present receipts from being a fair criterion by which to judge

what they might expect for the financial year? He trusted his right hon. Friend was in a position to satisfy the Committee and the country that the Revenue was in such a satisfactory condition as to warrant the voting of the Supplementary Estimates now before the Committee, and the others which, it was known, were to come without explanation as to Ways and Means.

THE CHANCELLOR OF THE EXCHEQUER said, that in reference to the mortgaging of the Revenue of next year, he should leave that question to be answered by his right hon. Friend the First Lord of the Admiralty; but with regard to the actual position of financial affairs, he thought the Question addressed to him was one which it was perfectly natural and proper to ask on the Vote for a Supplementary Estimate. His right hon. Friend spoke from the information which he deduced from the weekly statements issued from the Treasury, and which were made public. Those statements were, to a certain extent, useful; but, unless they were viewed with very great caution indeed, they were apt to be misleading. He confessed that, although he looked at them with the advantage of being able to consult the officers of the Treasury with regard to them, he had more than once found himself going astray in the conclusions he had drawn from them. His right hon. Friend said that, up to the 9th of May, the Revenue was lower than it was for the corresponding period of last year. Well, at first sight, that appeared to be a very alarming fact; but, in the first place, the period was short of that of last year by one day. That did not seem to be much, but it was as well to take it into account in estimating and ascertaining where the difference lay. In spirits alone, for instance, the difference of a single day amounted to about £40,000. There was another point to which no attention could possibly have been drawn, and which would to a great extent explain the falling off referred to by his right hon. Friend. He still confined himself to spirits—a very important part of the Excise revenue. The greater proportion of the receipts from the spirit duties came by the hands of the officers of the Inland Revenue; but a system of bonding was carried on partly in Inland Revenue and partly in Customs' warehouses, and, by

Mr. Childers

an arrangement between the two Departments, the Customs officers were willing to bond spirits or other articles for the Inland Revenue, and the Inland Revenue officers were willing to bond spirits and other articles for the Customs. When the articles were taken out of bond the money was received by the one Department and handed over to the other. He had seen the Chairman of the Board of Inland Revenue, in consequence of the Notice received from his right hon. Friend; and had learnt from him that, comparing the two periods referred to, a sum of £100,000 had been received last year by the Inland Revenue from the officers of the Customs in respect of duties received by the Inland Revenue and Customs from spirits, and due to the Inland Revenue, and that no such sum was received this year. It would look, therefore, as if the Inland Revenue had fallen off by £100,000; but, in point of fact, he was informed that £90,000 had been so received, but was not yet brought into account. There were one or two other points to which he might refer, but they were quite alien to the Navy Estimates. As a general answer to his right hon. Friend, he would say that, although the Revenue was not as brilliant as he could wish, there was nothing whatever about it to cause him any uneasiness at present in view of his Estimate. The receipts from the Customs were very satisfactory; those from the Inland Revenue were in some respects less satisfactory. The great falling off was in licences, amounting in one week to about £120,000; but licences were an article on which the receipts might come in one week or another, and it so happened that a larger sum was received under that head in the corresponding period of last year. There was nothing to make him feel uneasy at present, and at the end of the quarter he would be in a position to give further information, as he would then be in full possession of the details necessary for the purpose.

Mr. HUNT remarked that although future Revenue was mortgaged to the extent of £440,000, it did not follow that the entire amount would fall upon the receipts of next year. That would entirely depend upon the proposals he or his successor might make with regard to the building of ships.

GENERAL SIR GEORGE BALFOUR pointed out that this charge was yearly on the increase, and required to be carefully looked after. He referred to an item in the Vote for police expenditure, and expressed a hope that instead of being scattered broadcast over several grants of the whole Estimate, the whole of the expenditure for that Force would be shown in one sum, so that one might be able to understand distinctly what it was, and also what were the number of the Force. He complained of the inconsistent manner in which charges were dealt with. The cost of the police connected with the watching of Dockyards was debited in the Naval Estimates, whereas the heavy outlay for naval guns and projectiles, and all the other charges relating thereto was charged on the War Office Estimates. The accounts of the Metropolitan Police should, to be consistent, show the whole expenditure for police; but then Parliamentary responsibility would cease to belong to the First Lord of the Admiralty: and in the way the cost of the naval armaments was presented to Parliament, the responsibility for the outlay was thrown on the War Minister, and taken off the shoulders of the Admiralty.

MR. E. J. REED thought that, instead of expending £25,000 each on two new ships, it would be better to expend £50,000 upon one. The Committee ought to have further information with respect to the vessels which were in course of construction.

SIR JOHN HAY hoped that the First Lord of the Admiralty would not accede to the suggestion, as he thought that it would be more advisable to begin two ships, than to begin only one. He would like to see the £45,000 intended for the *Orontes* applied to the completion of those iron-clads.

MR. A. F. EGERTON stated that the question of having an iron-clad as the dépôt ship had been carefully considered, and had been unanimously objected to by the advisers of the Admiralty. It would be more expensive to build a dépôt on land than to use a ship. As to the police, the expense had increased in common with that of all other labour. He would, however, consider whether the form of the Vote could be improved. With regard to building two ironclads by contract, some wished for only one ship and others for four, and as the opinion of

various high authorities on both sides of the House differed so much with reference to this subject, he trusted that the Committee would accept the proposal of the First Lord of the Admiralty, which he believed would meet the exigencies of the case.

ADMIRAL ELLIOT: I would desire to take this opportunity, which is the first which the Rules of the House have afforded me, of replying to the various comments which have been made by hon. Members on the opinions which I expressed in a speech of some length on the 20th April last, on the House going into Committee of Supply on Navy Estimates. I trust that I shall not weary the House by continuing this discussion, but I would venture to observe that although the debate has been considerably prolonged, it cannot be said that the time of the House has been occupied with considerations of professional or practical subjects, but rather with lengthened Ministerial explanations, and, I might almost say, apologies for the state in which the Navy and Dockyards of this country have been handed over by the Liberal Government to their successors. I refer to the very long speech of the right hon. Gentleman the Member for Pontefract (Mr. Childers), the several speeches from the right hon. Gentleman the Member for the City of London (Mr. Goschen), the several speeches from the late Secretary to the Admiralty, the hon. Member for Reading (Mr. Shaw Lefevre), and lastly, a very lengthy legal exposition on Naval affairs from the hon. and learned Gentleman the Member for the City of Oxford (Sir William Harcourt)—who, by-the-bye, frankly confessed that he did not know very much about Naval matters. At the commencement of this debate, I called the attention of the House to the condition and management of Her Majesty's Dockyards. I expressed the opinion that the system which had grown up of late had very much impaired that state of preparation for war in which these Naval establishments should be at all times maintained—also that the monies voted for the maintenance of these establishments were misappropriated and were practically expended to a large extent in maintaining the private dockyards of the country, and that this system considerably increased the burden of taxation, because these

monies were not utilized in the most profitable manner for the advantage of the properties of the Crown. I expressed the opinion that our national Dockyards in time of peace should be to the utmost extent self-producing, and that the labour of those establishments should be of a permanent character, and not on the hired system, in order that the Crown might be independent of those evils which might arise from disturbances in the labour market. In fact, I pointed out that the principal features of mismanagement were—the contract system of production, the hired system of labour, and the redundant accounts and returns. I pointed out the origin of this system, and the object held in view by its supporters, and I called upon the Government and this new House of Parliament to redress the abuses I complained of, as trustees and stewards of this valuable national property. Having listened attentively to the comments which have been made upon my speech, I claim that the main features of my complaint have received no satisfactory reply—in fact, that the very important question of how far the system which prevails does impair a state of preparation for war has never been referred to by any one hon. Member who has spoken on this subject. I also consider that the question of unprofitable expenditure remains unanswered; and I claim that the arguments of the other side of the House could only be regarded in the light of confessions and avoidance. I would first deal with those comments which present the most pleasing aspect of affairs. I noticed with pleasure the words which fell from the First Lord of the Admiralty—that it was his intention to employ additional men in the Devonport Dockyard in the construction of boilers—the cost being, as he said, 25 per cent cheaper than work given to private firms. I highly commend this decision, and especially an expression which fell from the right hon. Gentleman (Mr. Hunt), that he did not see why monies should be spent outside the Dockyards which could be more profitably expended within. I consider this to be the first step in the right direction. I was glad to hear from the Secretary to the Admiralty (Mr. A. F. Egerton), that he agreed with me to the extent that he thought “experience showed, on the whole, that large ships could be built in the Dockyards better and cheaper than

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outside;" and I trust that, as regards the hired system, he will, after further consideration, be able to agree with me that the normal requirements of labour in the Dockyards should be on the system of permanent employment. The hon. Member will, I trust, see force in the argument that private capitalists who, like himself, are large employers of labour, would gladly enter into a contract for permanent employment at fixed wages, but that they cannot do so, because they are never certain of the amount of work they may have to perform; but that the Crown being the only employer of labour that can enter into a permanent contract, it is immensely to its advantage to do so, so as to obtain freedom from disturbance and from high prices, and secure other valuable considerations connected with the discipline, contentment, and superior skill of the artisans. The hon. Member (Mr. A. F. Egerton) did remark upon the increase in the pension list which would be caused by the increase of the numbers on the establishments; but I trust he will be able to satisfy himself that there is a considerable set-off against these expenses in the improved and increased amount of work obtained, and in the increased productive power of the Dockyards at the outbreak of war; for it cannot be denied that there is considerable loss at present incurred from unskilled labour, impaired discipline, constant changes, and discontent. I was glad to hear from the hon. Member that he was prepared to reconsider his opinions when better informed as regards the question of increased expenditure involved. The hon. Member for Reading (Mr. Shaw Lefevre) approved of the hired system on the grounds that it excited emulation, and enabled us to compare one class of work with another, and said that he did not think it would be wise to extend the system of establishment to the factories. He also expressed an opinion in favour of the contract system, on the grounds that there was not sufficient room in the Dockyards for building and repairing all Her Majesty's ships in peace time. Now, as regards these opinions, I will only say that I consider them to be so unsound that I think if the hon. Gentleman (Mr. Shaw Lefevre) will take the trouble to inquire more fully into the matter he will see good reasons for altering his judgment. I now

come to the more unpleasant feature of the hostile comments made on my speech on Dockyards. The speech of the hon. Member for Pembroke (Mr. Reed) was certainly strongly opposed to the views which I had expressed, and was therefore opposed to the views and aspirations of the Dockyard men themselves as expressed in their Memorials which are in the possession of this House. I find some difficulty in replying to the arguments of Mr. Reed, inasmuch as his opinions conveyed to his constituents since he addressed the House, are at variance with the opinions recorded by the Press as having been expressed within the House in reply to my speech. I will, however, select the opinions expressed within this House, as recorded by the Press, as being most likely to have conveyed his real sentiments, because they were uttered in the presence of those Members interested in the private trade, and were in support of a policy for which Mr. Reed himself is to a great extent responsible, and because these sentiments are only natural coming from the manager of a great building establishment, and a contractor for the construction of foreign men-of-war. Well, then, Mr. Reed recommended the continuance of the hired system of labour on the ground that it taught the Admiralty to become accustomed to higher rates of pay! I leave it to the House to decide whether this is a statesmanlike speech on the part of a Member of Parliament who may be considered in the light of a trustee of the monies of the Crown and responsible for their most economical and profitable expenditure. Then as regards the diverting of the monies voted for the maintenance of the Royal Dockyards, to the purpose of maintaining the private yards of the country and enabling them, by building foreign war ships, to increase the maritime strength of foreign nations, I can only reply to such an opinion by saying that it is wanting in patriotism and sound judgment; and I would ask whether the country is also to rejoice that the experience gained by Mr. Reed as Chief Constructor of the Navy, after a wasteful expenditure of twelve millions of money in experiments resulting in an obsolete Fleet, should now be utilized for developing foreign Navies? In reply to my remarks on the employment of hired labour, Mr. Reed has charged me with having attacked the character of the

hired men of Her Majesty's Dockyards. I consider this to have been an unwarrantable misconstruction of my words as reported by the Press, and that the inference drawn from what fell from me on the subject of hired labour was so unfair that I can only consider it as an attempt to damage me in the eyes of my constituents—a great portion of whom, as is well known to Mr. Reed, are hired artificers. Is it likely that as I owe my seat in Parliament to a great extent to these voters, that I should have sought to reflect upon their behaviour or character, more especially when by so doing I must have equally cast an imputation on the character of the established men, seeing that they have all sprung from the hired list? I can only in self defence throw back the imputation on those who made it. I said that these men were trade unionists, and if Mr. Reed considers trade unionism and bad conduct to be synonymous terms, the inference is his own, not mine. I also said that they might strike for wages. Again I say, that if that remark is synonymous with bad conduct the inference is Mr. Reed's, not mine. I said that inferior workmen enter the yards, and when they become more skilled, they leave. I said that the discipline was relaxed owing to the independence of their position. I said that the constant changes were subversive of efficiency. In all this, the inference that their conduct is bad comes from Mr. Reed, and not from me. I conclude by observing that I said nothing of these men which they have not said for themselves in their Memorials. I have the pleasure to inform Mr. Reed that the shaft has missed its aim, as I have received letters from all quarters—from the workmen themselves—expressive of their satisfaction at the manner in which I advocated their interests. In conclusion, I will now leave it to the common sense of this House, and of the country at large, to decide whether Imperial interests are to be sacrificed in order that one branch of industry may flourish, and that we may assist to develop the naval power of foreign nations, and whether it is sound policy that the efficiency of the Dockyards for war service should be impaired, and that additional burdens should be imposed on the taxpayers for the benefit of one class of the people. I would observe that I have never denied that the existing system was bene-

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ficial to the private ship-builders; but I consider it a monstrous proposition to make to this House that monies voted for one purpose are to be turned aside to another. I am perfectly aware of the great power, both inside and outside this House, which has hitherto been exercised in support of those great vested interests connected with the private shipbuilding trade of this country; but I am hopeful that this discussion has not fallen altogether idly upon the ears of those hon. Members who represent in this House the industry in which I have referred, and that if it can be shown them, as I believe it can, that the national interests suffer, and that the power of our Navy is impaired, I feel assured that their sense of duty, as Members of this House, and their patriotism, will induce them to support the First Lord of the Admiralty in reforming those abuses in the management of Her Majesty's Dockyards which have grown up of late years, and which it has been my duty, to the best of my ability, to expose.

Vote agreed to.

(2.) £1,143,159, Naval Stores.

MR. SHAW LEFEVRE wished to offer an explanation to the Committee with regard to this Vote, so far as it affected the late Admiralty. The First Lord had stated that he was able now to effect an economy on the Vote of £55,000, and to apply that amount towards the material of building the vessels for which he had taken an increased number of men under Vote 6. The right hon. Gentleman attributed that economy to the fall which had taken place in the price of coal, and to the effect of contract arrangements, neither of which results could possibly have been foreseen when he (Mr. Shaw Lefevre) originally framed the Estimates. It must at any rate be some satisfaction to hon. and gallant Gentlemen opposite, who had for the past five years been complaining of the deplorable state of the stores, to know that all their statements had been proved to be unfounded, and that the first thing that a Conservative Government did on coming into power was to economize from the Store Vote to the extent of £55,000. As the right hon. Gentleman had not stated what the improved contract arrangements were, the Committee might perhaps wish to know them. The

contract arrangements were only entered into last year, and they were as followed:—It was found advisable in the first place to break off a number of old existing contracts for a large amount of stores of uncertain quantities, which were to be supplied on demand from the Dockyards, and to invite tenders for specific articles of smaller amount; and, secondly, the Superintendent of Contracts, at his own suggestion, went down to Birmingham, Leeds, and other places, and had communication with leading manufacturers who had contracted for the Admiralty; and, strange to say, he found that they were under the impression that the old objectionable system of contracts still existed, under which it was necessary to "tip" some of the Admiralty officials, in order to get contracts, and to be relieved of harassing penalties, and were quite unaware of all the changes made by his right hon. Friend (Mr. Baxter). After the explanations of the Superintendent of Contracts, those leading manufacturers promised to tender for the next Government contracts. The new contracts were not out when he (Mr. Shaw Lefevre) left office, but he believed that the result of the new arrangements had been that very much improved tenders had been sent in at very much lower rates than had been expected, and that the leading manufacturers now tendered for the Government contracts. It was due to the Superintendent of Contracts to say that he had rendered a public service by his exertions in this matter.

LORD ESLINGTON desired to call attention to a case which he thought painfully illustrative of the manner in which money went in the Dockyards. The *Undaunted* had been launched in January, 1861, at Chatham, and had never been commissioned, having always since that time been lying in the Dockyard. It was roughly estimated that a further expenditure of £16,000 was necessary in order to render her fit to go to sea, and, including that sum, her total first cost would be £121,142—that was to say, £71,350 spent upon her hull, £33,792 upon her machinery, and the additional sum of £16,000 already mentioned. But the further expenditure actually proposed on the vessel was not merely £16,000; it was no less than £41,748—namely, over £26,000 for material, and over £14,000 for labour.

These figures related, as he had shown, to a vessel that was launched more than 13 years ago, and had never been sent to sea. He thought it was a matter that required explanation.

GENERAL SIR GEORGE BALFOUR decidedly objected to the present practice of making the War Office Estimates bear the heavy burden of the outlay for naval armaments. During the past 12 years the Army expenditure had been swelled to the extent of several millions by the costly, and many changes in the armament of the Navy. Every description of gun and carriage had been tried at the expense of the Army, and often charged forward with a recklessness which could only be the result of knowing that the expense would not be borne by the Admiralty Estimates, and with the knowledge that the defence before Parliament would devolve on the War Minister, and not on the First Lord of the Admiralty. He complained, so far from this liability being lessened, he now found that various items, such as torpedoes, had been transferred to the Army Estimates, whereas they ought properly to be included in the Vote for naval Stores.

MR. E. J. REED explained, in regard to the *Undaunted*, that he did not take exception to the sum proposed; but he objected to its being placed under the head of repairs, when, in fact, it was really to be applied in supplying her with a finishing equipment and with a poop, in order to adapt her for the service for which she was required.

MR. A. F. EGERTON said, he could confirm the remarks of the hon. Member for Reading (Mr. Shaw Lefevre) in regard to the satisfactory condition of the Stores Department, and had great pleasure in bearing testimony to the salutary reforms which the right hon. Gentleman the Member for Montrose (Mr. Baxter) had been instrumental in effecting in the department. Why the *Undaunted* had not previously been put in commission he could not say. He did not think the expense of repairs excessive, as it included the practical finishing of the ship, and even while in harbour a certain sum was required for repairs, for it was quite certain that in the course of time ships deteriorated and required new machinery and repairs if they were to be kept fit for service. As to the armament being provided by the Admiralty instead of by the War Office,

as proposed by the hon. and gallant Member for Kincardineshire (General Sir George Balfour), the present system was preferred by those most conversant with the subject, both in the Admiralty and out of it; but if the change could be shown to promote economy and efficiency, the subject deserved fuller consideration than it would receive in Committee.

Vote agreed to.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £802,904, be granted to Her Majesty, to defray the Expense of Steam Machinery and Ships building by Contract, which will come in course of payment during the year ending on the 31st day of March 1875."

MR. PALMER, in moving that the Vote be reduced by the sum of £45,000, said, that before entering into his reason for objecting to the Vote, he wished to bring before the right hon. Gentleman the First Lord of the Admiralty the suggestion that had been thrown out by the hon. Member for Pembroke, that when those Estimates were laid before the House full information should be afforded the hon. Members, so that they might know, when a Vote was first taken, to what extent the Estimate was intended to be carried. This Vote would only be an instalment on account, and when the first Vote was taken, it should be added on to the following Votes, until the whole was completed, that the House might then know whether the Estimate had been exceeded or not. The information that he had received upon this Vote naturally was not derived from Papers emanating from the Government, but from information he had received elsewhere. He therefore thought it right to make this Motion, and he wished to assure the right hon. Gentleman that he was not actuated by any hostile feeling; but he simply thought the First Lord of the Admiralty had been badly advised in the spending of a large sum of money upon a ship which, when completed at a large cost, would not prove so satisfactory as a new ship would have done. Although a practical question, he would state it very briefly to the House, so that every hon. Member would be able to take a common-sense view of the whole matter. The *Orontes* was a steamer built above 12 years ago for the trans-

port service. He had no doubt that at the time she was built she was in every way a credit to our naval architects as well as to the most approved marine engineers. The vessel was 2,812 tons measurement, and was of 500 horse power. Her original cost was about £70,000 for the hull, and £25,000 for the engines, to which must be added some extras for enlarging the poops—amounting to £6,000—making in all about £100,000 as the total cost of the ship. Now, the vessel, he believed, had done satisfactory work, and had proved herself most efficient as a transport. But the House would scarcely credit that it was now intended to put 50 feet in the steamer amidships in order to lengthen her. [MR. HUNT: We are only going to put 30 feet.] If 30 feet, it did not alter very materially the question. He could also inform the House that the old engines were quite unfit for further work, and that new compound engines on the most improved principle were to be substituted. This work, as he was informed, would, in all, amount to £103,000, a sum which exceeded, in fact, the original cost of the ship. And to that amount must be added considerable sums for further outfit; so that this vessel, when completed, would cost more than would build a new ship with all the modern appliances that had resulted from the progress naval architecture had made within the last 12 years. The ship in itself, when lengthened, could not, of course, possess the same symmetry of lines as a new ship, because 50 or 30 feet put into a vessel amidships could not be worked in so as to be in entire harmony with the old lines; and for a vessel which was intended to attain speed, and to transport troops, he certainly thought the proposed expenditure, on the part of the Government, would prove very unsatisfactory. Some large companies and steamship owners, when they had an old vessel, such as the *Orontes*, usually sold her for what she would bring, and replaced her by a new one. Surely, if large companies could take such a course, it ought to be adopted by Her Majesty's Government. Observing the hon. and gallant Member for Chatham (Admiral Elliot) in his place, he wished to state, with reference to some remarks the hon. and gallant Admiral had made in a former speech upon the question of the

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Dockyards—which remarks had caused some irritation out of the House, inasmuch as he had accused the working men in private yards of not being to be relied upon in a pressure of work during the time of war, because of their trades' unions and other combinations—that he had from his own experience knowledge to directly contradict such a statement. During the late Russian War a large amount of work was thrown upon private yards by the Government, and the men engaged on them worked most loyally and satisfactorily, without a murmur and without raising any difficulty, until the whole of that work was completed. This was certainly a very great contrast to what the hon. Member had stated with reference to what had taken place in the Chatham yard. [Admiral ELLIOT said, he had been misunderstood.] He (Mr. Palmer) was glad to find that there might have been some misunderstanding; but the hon. Member had been so reported in *The Times*. He would not detain the House longer with reference to the *Orontes*, but he really did hope either that the explanation to be given by the right hon. Gentleman the First Lord of the Admiralty, would be of such a character as to induce him to withdraw his Amendment, or that he should be supported by the House in not permitting this piece of extravagance to be carried through by the Admiralty.

GENERAL SIR GEORGE BALFOUR seconded the Amendment.

Motion made, and Question proposed,

"That a sum, not exceeding £757,904, be granted to Her Majesty, to defray the Expense of Steam Machinery and Ships building by Contract, which will come in course of payment during the year ending on the 31st day of March 1875."—(*Mr. Palmer*.)

MR. HUNT said, he had stated the other night that they were deficient of one troop-ship. They required four troop-ships for the normal service of the Army, and in order to have four efficient ships, they ought really to have five; so that he might put it that they were now in want of two troop-ships. It was admitted on all hands that it was the worst economy to hire ships for the normal service. The question was this—Should they make serviceable a ship they had got, or sell her and build a new one? The right hon. Gentleman the Member for the City of London (Mr.

Goschen) favoured the plan of selling the ship they had, and providing a new one; but the right hon. Gentleman had not taken any money for providing a new ship. The highest price they could get for that ship, if they sold her, was £30,000; and the calculations which he had been able to make from the officers of his Department, under advice, of the cost of lengthening the *Orontes* in the way proposed, as against purchasing a ship giving the same accommodation, showed that by lengthening her there would be a saving effected for the country of from £30,000 to £40,000. They were now negotiating for tenders for lengthening the ship, and, therefore, at present it was impossible for him to name the sum in the Estimates. Though built 12 years ago, the *Orontes* was an exceedingly well-built ship and very strong, and when she had been lengthened and had new bulk-heads put into her, and new boilers and compound engines, she was likely to be serviceable for 20 years to come. Under those circumstances, he had arrived at the conclusion that the course which his advisers had recommended to him was the best and also the most economical. When lengthened and improved, as suggested, the *Orontes* would have accommodation for a whole battalion, and would be a really useful and efficient troop-ship. The right hon. and gallant Member for Stamford (Sir John Hay) wanted the money to be spent, not on the *Orontes*, but on iron-clads; but if they negatived that proposition, the money would not be expended on iron-clads.

MR. MACGREGOR complained that the manner in which the Estimates were made out left the Committee in the dark on many important points. He agreed with the right hon. Gentleman the First Lord of the Admiralty that they should have the means of doing their own regular transport service; but he did not think they should go further, because in cases of emergency the Mercantile Marine could be relied on. A pressure was no doubt felt at the time of the Crimean War, but it could not be taken as a criterion, for matters were very much improved since then; ships which at that time cost £3 5s. a ton, being now to be had for £1 5s. He thought, with the alterations that were to be made on the *Orontes*, she would be a very cheap and efficient troop-ship. The Admiralty,

however, should be careful about the tender, and see that they did not pay too much for the work, for if they took the value of the vessel at £30,000, and added £70,000 for the lengthening and new machinery, that would be equal to £100,000, for which, he believed, they could build a new, strong ship, with all the modern improvements.

MR. SHAW LEFEVRE said, the late Admiralty had considered and determined not to undertake the repair of the *Orontes*. Four firms had tendered for the work, the lowest tender being £103,000, and they had rejected it, believing they could get a better ship for the money. He thought that for our normal troop-ship service four ships were more than sufficient. The present year was provided for, but one would be required for next year, and the late Admiralty had proposed to purchase one, believing that they would get a suitable one for about £130,000.

MR. SAMUDA complained that on that and on other matters the Committee had not that amount of information which it was entitled to expect from the Government. With respect to the *Orontes*, he admitted that she was a good ship, but pointed out that her age would be greatly against her if it should ever be found necessary to sell her. So far from wishing the First Lord of the Admiralty to build one instead of two vessels, he wished the right hon. Gentleman had proposed to build four instead of two. The *Shannon*, however, was not in one sense an iron-clad at all; he had been informed she was constructed with an iron-clad bulkhead near the bows, and wings from this extending only a short distance aft, and such a class of vessel would be of no practical use in these days, as she would be obliged to keep her head to the foe, unless the speed was sufficiently great to compensate for the want of armour. In the case of the *Inflexible*, there would be a vessel 300 feet long, 100 feet of which was to be covered with plate-armour, the other two-thirds having not a particle of armour; so that it seemed that we were coming back to the errors which were committed when the vessels of the *Warrior* class were built.

ADMIRAL EGERTON thought it would be wise if the Vote was deferred for a little while, for, as to the *Shannon*, they were told that she could only fight in

a particular way, and it might be worth while to consider the question of speed. If it was proceeded with, he would vote for the Amendment. He hoped that the First Lord of the Admiralty would not build more iron-clads than he could possibly help, as he felt sure that the days of that kind of vessel were numbered.

MR. A. F. EGERTON said, it was believed that the repairs of the *Orontes*, would not cost the whole amount asked for that purpose. The question of the speed of the *Shannon* was now under consideration, and the Admiralty was quite disposed to add to her speed, if it should be thought necessary.

MR. E. J. REED intimated that he should support the Government, as he thought that when a Vote had been carefully prepared and proposed for a specific purpose, the Committee would do well not to refuse it. He might explain that many large steamship companies had done, and were doing, exactly what the Government proposed — namely, lengthen their ships and compound their engines. If the Government sold the *Orontes* for £30,000, the House might be prepared to hear some very unpleasant comments on the subject next year, and the Admiralty might expect to experience more opposition than they did that night. They ought not to condemn the ships of the Government simply because hon. Members did not agree about them. There could be no doubt that the Navy was now very strong, and whatever faults might be found with the *Shannon* and the *Inflexible*, they constituted a very important addition to the power of the Navy.

MR. HUNT said, it appeared from a Report of Mr. Barnaby, the chief architect of the Navy, that the *Shannon* was efficiently armoured.

MR. GOSCHEN said, he trusted his hon. Friend would not press the Motion to a division, because it would be trenching upon that responsibility which they were bound to delegate to the Ministry.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

House resumed.

Resolutions to be reported *To-morrow*;
Committee to sit again upon *Wednesday*.

Mr. Macgregor

SUPPLY.—REPORT.

The first Seven Resolutions, being read a second time, were agreed to.

The Eighth Resolution (£20,000 Secret Service), being read a second time.

MR. BUTT, in moving the reduction of the Vote by the sum of £3,000, said, he took exception to the Item for law expenses arising out of prosecutions in Ireland. The subject was one of great importance in the opinion of the people of Ireland, and in reference to illegal prosecutions which had been instituted in that country, his impression was that the law costs, which were not mentioned in the Estimates, had been paid out of the "Secret Service" money. He believed if there was any case in which objection ought to be taken more than in another, it was that in which Colonel Hillier, a Government official, had acted illegally in arresting and imprisoning several persons. It appeared that there had been an Orange demonstration in Ireland, and that Colonel Hillier was sent down by the Government. He was sent down with an army of occupation, and even to control the local magistracy. He made several arrests, and threw the parties into prison. Those arrests were illegal, and four or five actions were brought against him. In one of those actions a verdict for £500 was given against him; and the law costs amounted to £342, and thus a sum exceeding £1,000 was paid for Colonel Hillier's proceedings. The Government, when an action was brought against their officials, left them to defend themselves; but when the verdict went against them they (the Government) paid the damages out of the public money. In the case of Colonel Hillier, he did not see the Item in the Estimates; but there could be no doubt it was paid out of the Secret Service fund. The system was a most vicious one, and ought to be discountenanced. The result was that the official looked, not to the law as his guide, but to the Government; and if he was certain to be indemnified, should damages be given against him in respect of illegal proceedings, all protection would be practically taken away from the public. He might state to the House that some time ago a young lady, the daughter of a most respectable gentleman in Ireland,

was going to post a letter for her father, and meeting a policeman in the neighbourhood, she asked him to oblige her by posting it. He looked at the letter, and thinking there was something in it of which he might not approve, and that the young lady might have written it at another's dictation, he kept possession of it; and in the course of that night a party of police entered the young lady's father's house, ransacked every part of it, and were guilty of most illegal proceedings. An action was brought, and the jury gave a verdict for the plaintiff, with damages £150. He believed the jury would have given much more had they known who the party was that was to pay the damages. He assumed that those damages were paid out of the public funds by the Government as Secret Service money. The Secret Service money should never be given for any such purpose, and when voted by Parliament it was not thought by Parliament that it was to be applied to any such object as that to which he deemed it his duty to call the attention of the House. Such an application of it was most vicious, and he was sure the right hon. Gentleman at the head of the Government would never say that the Government ought to pass Bills of Indemnity to cover the illegal acts of their officials. The hon. and learned Member concluded by moving the reduction of the Vote.

Amendment proposed, to leave out "£20,000," in order to insert "£17,000,"—(*Mr. Butt.*)—instead thereof.

Question proposed, "That '£20,000' stand part of the Resolution."

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) submitted that the simple question for the House to consider was whether it would allow Government a certain sum as Secret Service money, leaving the disposal of it solely to the discretion of Government. If the Government violated the law or acted wrongly, the House could censure them; but he must set his face firmly against indirect attacks upon previous Governments in Ireland, who had done their best with the means given them by Parliament to cope with unparalleled difficulties; those attacks being made under colour of questions and appeals addressed to the present Government

which were never brought forward when the late Government were in office. The honesty of such proceedings might at least be doubted, seeing that some of those who now adopted them were Members of the last Parliament.

MR. BUTT, after what had fallen from the right hon. and learned Gentleman, in hardly Parliamentary language, doubting the honesty of Members of that House, wished to state that he made that Motion last year, when the late Government was in office.

MR. LAW believed that in 1872, some damages or costs were paid in the case of the gentleman whose name was mentioned by the hon. Member for Limerick, and who, being, as stated by that hon. Member, uninstructed in the law, had innocently committed some irregularity. If the Government employed an official, and if, the conduct of that official having been examined in a public Court of Justice, it was found there was nothing objectionable in the course he had pursued, further than that he had been betrayed into an irregularity through ignorance of the law, he would ask whether it was not the duty of the Government to support that officer and pay the damages and costs? It was so in the case referred to, and the Government of the day having inquired into the matter, he had no doubt the House would think they acted rightly in the course they had taken. No other case but this had been specifically brought forward by the hon. and learned Member for Limerick, and therefore it was impossible to answer him as to any other. He was, however, disposed to agree with the hon. and learned Gentleman that where the Government on its own responsibility came to the conclusion that an official deserved to be supported, the money necessary to indemnify him should be, as it latterly had been, put upon the Estimates. But that was no reason for reducing the present Vote.

Question put.

The House divided:—Ayes 215; Noes 31: Majority 184.

Resolution agreed to.

The Ninth Resolution, being read a second time, was agreed to.

The Tenth Resolution, being read a second time.

The Attorney General for Ireland

MR. COLLINS begged to ask the right hon. Gentleman the Chief Secretary for Ireland, when he proposed to give effect to the Motion carried a few nights ago with respect to the Irish Fisheries? That was no party question, for during the debate, hon. Gentlemen on both sides of the House endeavoured to impress on the Government the necessity of doing something to encourage fisheries in Ireland. He himself suggested the construction of piers to protect the boats, and the propriety of advancing small sums of money as loans to the fishermen to procure nets, and clothing for themselves; and the right hon. Gentleman expressed a wish, that a fund called the Reproductive Loan Fund should be made available.

THE CHANCELLOR OF THE EXCHEQUER said, his right hon. Friend (Sir Michael Hicks-Beach) had devoted his attention to the subject, and expressed his desire to meet the views of Irishmen on that subject. The difficulty was as to what source the money was to come from, and how it was to be administered? He then made an offer, which was not accepted. He (the Chancellor of the Exchequer) was surprised at that. In the name of the Government, he was prepared to renew the offer which was made by the Secretary to the Lord Lieutenant, to place the Irish Reproductive Loan Fund at the disposal of a Fishery Board, properly constituted, through whom the object sought might be attained. If that offer were not accepted, there would be considerable difficulty in ascertaining in what other manner the money could be obtained, and the matter would stand over for further consideration.

MR. BUTT said, he was glad to hear that an Irish Board of Fisheries was to be established, and would in that view support the Bill which would be necessary to give effect to the offer of the Government. He, however, did not represent in any way, the opinions of any counties interested in the Fund in question.

Resolution agreed to.

Subsequent Resolutions agreed to.

**BOARD OF TRADE ARBITRATIONS,
INQUIRIES, &c., BILL—[BILL 86.]**

(*Sir Charles Adderley, Mr. Cavendish Bentinck.*)

COMMITTEE.

Bill considered in Committee.

(*In the Committee.*)

Clauses 1 to 7, inclusive, agreed to.

Mr. WAIT, in moving to insert, after Clause 7, the following clause:—

“Whereas by section eleven of ‘The Regulation of Railways Act, 1873,’ it is enacted that the facilities therein mentioned shall include the due and reasonable receiving, forwarding, and delivering by every Railway Company and Canal Company, and Railway and Canal Company, at the request of any such other Company, of through traffic to or from the Railway or Canal of any other such Company at through rates: And whereas it is expedient to amend and enlarge the said enactment: Be it therefore Enacted, That from and after the passing of this Act, the said facilities shall include the due and reasonable receiving, forwarding, and delivering by every Railway Company, and Canal Company, and Railway and Canal Company, at the request of any other such Company, or on the application of any number of not less than ten persons interested or aggrieved, of through traffic at through rates: And the sub-sections from one to nine inclusive of the eleventh section, so far as they are applicable and *mutatis mutandis*, shall apply to the said persons making such application,”

said, he was not without hopes that he should obtain the support of the Government in endeavouring to remove an ambiguity in the Act of last Session, especially as the question was one, the expediency of which was undoubted, and which, moreover, had been frequently under the notice of the House.

New Clause (Extension and amendment of section eleven of the Regulation of Railways Act, 1873.)—(Mr. Wait,)—brought up, and read the first time.

Mr. RATHBONE urged the Government to accept the clause.

Mr. STAVELEY HILL thought no case of hardship had been made out which would necessitate the insertion of the clause. Moreover, it did not come within the scope of the Act of 1873.

Mr. MONK trusted the Government would accept the clause, which was foreshadowed in the Report of the Commissioners who sat in 1872. Any public body was able to obtain through rates. The Act of 1873 was passed not for the benefit of railways, but for that of the public.

Mr. BECKETT-DENISON objected

to the clause, which was but the resuscitation of a proposition brought forward last Session by the hon. Member for Sheffield (**Mr. Mundella**) and negatived by the House. He hoped the House would confirm the course adopted in 1873.

Mr. MUNDELLA considered such a clause necessary for the interests of trade.

Mr. HEYGATE thought there was nothing to justify the Committee in adopting such a proposal.

SIR CHARLES ADDERLEY said, it was absolutely necessary in the interest of the public that there should be some tribunals for deciding cases where companies made arrangements barring through traffic. The Railway Commissioners were made arbitrators by Act of Parliament, which gave them power in such cases; but he thought the Committee would see that the sort of arbitration now under consideration was totally different from the cases referred to. It was, in his opinion, opposed to the condition of past legislation, which authorized maximum rates to every company. The object of existing arbitration was to prevent a railway company owning part of a continuous line from barring a company owning another part of the same continuous line. It would expose companies to constant demands, which they would be unable to meet if any person were allowed to claim through rates subject to arbitration. It might be matter for consideration whether, under due restrictions and securities, persons might not, as companies now, refer to the Commissioners any refusal of through traffic.

Mr. WHITWELL said, the Courts should be open to individuals to get a fair judgment in matters of this kind, and for this reason—some railway companies received goods, and instead of sending them as wished, sent them by another line, and by that means got a larger return for their transit. There were many bodies of men who were not corporations, and simply because they were not corporations, they could not in such cases come before the Courts. He contended that the Government ought to grant the same rights to individuals as corporations were entitled to under the Act of last Session, and regretted that the Government would not support the clause. Sooner or later the question was sure to come on again.

Mr. WAIT said, it appeared to have been overlooked that the 10 persons must be 10 persons really aggrieved; and he had made the proposition to show that the grievance was one of a *bonâ fide* character, and in order that parties might have a *locus standi* before the Commissioners.

Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 51; Noes 130: Majority 79.

Mr. CHILDERS said, he had voted with the Government in the last division; but he hoped that before the third reading, a clause would be inserted which would carry further the provisions of the Act of last Session.

SIR CHARLES ADDERLEY suggested that the right hon. Gentleman might propose such a clause as he thought needful, and then it might come under consideration in a definite form.

Remaining clause *agreed to*.

Bill *reported*, as amended, to be considered upon *Thursday*.

MAGISTRATES (IRELAND) AND COMMISSIONERS OF DUBLIN POLICE SALARIES BILL.

Resolutions [May 1] *reported*:

1. "That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of increased Salaries to Resident Magistrates in Ireland, and to the Chief Commissioner and Assistant Commissioner of Police of the Police District of Dublin Metropolis."

2. "That it is expedient to amend the Acts regulating such Salaries."

Resolutions *agreed to*:—Bill *ordered to be brought in* by Sir MICHAEL HICKS-BEACH and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 117.]

FACTORIES (HEALTH OF WOMEN, &C.) BILL.

On Motion of Mr. Secretary CROSS, Bill to make better provision for improving the Health of Women, Young Persons, and Children employed in Factories, and affording better means for the Education of such Children, and otherwise to amend the Factory Acts, *ordered to be brought in* by Mr. Secretary CROSS, Sir HENRY SELWYN-IBBETSON, and Viscount SANDON.

Bill *presented*, and read the first time. [Bill 115.]

FOUR COURTS MARSHALSEA, DUBLIN, BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill for the discontinuance of the Four Courts Marshalsea, Dublin, and the removal of prisoners therefrom, *ordered to be brought in* by Sir MICHAEL HICKS-BEACH and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 116.]

House adjourned at One o'clock.

HOUSE OF LORDS.

Tuesday, 19th May, 1874.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Court of Judicature (Ireland) (57); Courts (Straits Settlements) * (60).

Committee—Report—Oyster and Mussel Fisheries Orders Confirmation * (36); East India Annuity Funds (51).

Third Reading—Boundaries of Archdeaconries and Rural Deaneries * (28), and *passed*.

COURT OF JUDICATURE (IRELAND)

BILL. (No. 57.)

(*The Lord Chancellor.*)

SECOND READING.

Order of the day for the Second Reading, read.

Moved, "That the Bill be now read 2^d."—(*The Lord Chancellor.*)

LORD REDESDALE said, he would remind their Lordships that he had placed on the Paper, Notice of a Resolution, the effect of which would be to continue their Lordships' House as the Final Court of Appeal for England, Ireland, and Scotland. The Resolution necessarily applied to the Judicature Act, which had been passed last Session, in regard to England, but he hoped their Lordships would permit him to take advantage of the present Bill to indicate the course he proposed to ask their Lordships to adopt in order to remove all objections to the continuance of the Appellate Jurisdiction in their Lordships' House; for it would be wrong in him to make any proposal adverse to the Court of Appeal constituted by this Bill, unless he could suggest some better tribunal, and that he believed he could do. The course which he should recommend, was, in short, that they should revert to the practice of ancient times. In those days it was not the practice for the whole House to exercise its jurisdiction in private cases. The Journals of the proceedings of the House commenced with the first year of the reign of Henry VIII. So far back as that time it was recorded in those Journals that at the commencement of a new Parliament certain Peers were appointed "Triers of Petitions," and among the reasons for appointing them was this one—"that justice may be more quickly, commodiously, and diligently performed." The custom prevailed even before the House

began to keep Journals, as might be seen in the Rolls of Parliament. It would appear that Bishops and Abbots were the persons chiefly appointed, probably because in olden times they were, from the education they had received, best qualified to exercise the legal jurisdiction of their Lordships' House. With these were associated the Judges, the Serjeants-at-Law, and others. The appointment of Triers of Petitions at the opening of every Parliament was continued at the present day; but their functions had been absorbed into the jurisdiction of the whole House; and now-a-days no Spiritual Lords were ever appointed Triers. In the lapse of time—he doubted whether it was very much earlier than the reign of Charles II.—the whole House claimed to exercise that jurisdiction; but for a very long period the practice was abandoned, and the hearing of appeals was left to the Law Lords exclusively. Though in practice he believed no injury had arisen to any one from the lay Lords taking part in the judicial business, the House, when abandoning that practice, was only returning to what was the ancient practice of naming particular Peers to perform those functions. As he had stated, at the commencement of each Parliament, there was a regular appointment in Norman French of Receivers and Triers of Petitions; and they were appointed to try Petitions not only from all parts of the United Kingdom, but also from Gascony and the Islands beyond the seas—the Channel Islands. Now, what he would propose was a strict return to the old practice by actually appointing Triers, who should be Law Lords, to hear the appeals brought to their Lordships' House. Three objections were urged against the House of Lords as the Supreme Court of Appeal. The first was, that Peers not in any way qualified, either by intellect or legal training, might, if they chose to do so, sit to hear and determine appeals, which required the utmost legal learning and experience; the second, that the Court was one which did not sit throughout the whole of the legal year; and the third, that there might be a time when there would not be in their Lordships' House a sufficient number of qualified Peers to administer the law in appeal cases. He thought that the first of those objections could be

met conclusively by the plan he had just indicated—the appointment of Triers—which would be no more than the revival of an ancient constitutional precedent. The Triers to hear appeals would be specially nominated, and no other Member of the House would be allowed to interfere with them in the discharge of that duty. The second objection involved a constitutional point, as a proposal that one House of Parliament should be allowed to sit when the other was not, had met with strong opposition—but the same objection would not be felt to permitting the Triers of Petitions to sit throughout the legal year as the persons delegated by the House to administer law. No political or legislative business could be transacted by them, for the Triers would only sit for the discharge of judicial functions, a duty to which the Commons made no claim. As to the third objection—the insufficient number of qualified Peers—last Session he proposed, with the view of meeting it, the bringing in of certain judicial personages to represent the Law in their Lordships' House as the Bishops did the Church. This would entail no additional expense whatever. He knew that his noble Friend on the Woolsack had been very unwilling to see the House part with its legal jurisdiction, and in order to prevent that from being done, had proposed an alternative plan on a Select Committee upstairs. When the noble and learned Lord who introduced the Bill of last year (Lord Selborne) was practising as a barrister, he had a very extensive practice at the bar of their Lordships' House, and therefore his experience enabled him to judge of the manner in which justice was administered by that House. Well, when it was proposed to appoint two Deputy Speakers to act under the Lord Chancellor, the noble and learned Lord, who was at that time a Member of the House of Commons, asked whether it would not be better, if possible, to establish a good Court of Appeal in the House of Lords for the Three Kingdoms, than to constitute for the purpose a new tribunal, the success of which no one could foretell.

THE EARL OF BELMORE wished to make a few remarks upon this Bill. There were many things in it which could not be discussed with advantage by a lay Peer; but still it was a measure which was attracting a great deal

of attention in Ireland, and he therefore wished to make a few observations. In the first place, he desired to congratulate the noble and learned Lord on the Woolsack on the approval his measure had received from the general public, and he understood that since the Bill had been printed, the objections which had been at first felt to it in some quarters had been a good deal modified. At the same time he wished his noble and learned Friend had preserved their Lordships' House as the Final Court of Appeal. He would remind their Lordships that even when introducing the English Judicature Bill the noble and learned Lord (Lord Selborne) said there was no evidence that in Ireland there was a desire for any other Court of Final Appeal than the House of Lords, and that he proposed to leave things as they were till Irish opinion demanded a change. He quite agreed, however, with the decision to which the noble and learned Lord had come with regard to placing Irish and Scotch Judges on the Court of Appeal. Had he yielded to the demand that a proportion of the Court should necessarily consist of Irish and Scotch Judges, the result would have been the introduction into the Judicature of a system similar to that which had heretofore prevailed in Ireland, and which was so very unsatisfactory, of appointing persons to important offices, whether magisterial or executive, or that of a juror, because they belonged to a particular religious denomination. He was glad that the jurisdiction of the Court for Land Cases Reserved was to be transferred to the new Court of Intermediate Appeal, and that the jurisdiction of the Landed Estates Court was to be enlarged. The delays in the Landed Estate Court had been considerable. He had been a petitioner in one case in which there was only a single creditor. He filed his petition in 1862, but did not succeed in getting a sale till 1865. He did not receive his money till a year after that; and owing to a fall in the Funds, which occurred in the interval, he lost several hundred pounds. He was petitioner in another case, and although the proceedings were commenced in 1862, they were not concluded yet. He saw that it was proposed they should still retain at the head of the Exchequer Division of the Court a Judge bearing

the title of Lord Chief Baron. Now, it was proposed to abolish the Barons of the Exchequer, and they would therefore have a Chief Baron who would be Chief over nobody. It was a verbal criticism, no doubt, but he could not see the force of retaining the title of Chief Baron for a Judge who would have no Barons sitting with him. He was no advocate of unnecessary offices; but there was an opinion in Ireland that the proposed reduction in the number of Judges was not wise. He knew that there was an opinion abroad which was not fair to the Irish Bench—it was said that they were over-manned, and that some of the Irish Judges had not enough to do. But that was a mistake. He could speak of all the Common Law Judges; but he was informed that there was one Judge in Ireland who sat from 10 in the morning till 5 in the evening during ten months of the year. It might be that a better distribution of the judicial business was called for. It was intended to reduce the number of the circuits to five, and he was further informed that all the Judges would be on circuit at the same time. He thought it would have been better to transfer the existing Court of Bankruptcy to that Division of the Court of Judicature which was to be composed of the present Court of Exchequer rather than, as was proposed, to the Chancery Division. The six circuits could then be maintained, and one Judge could remain in town whilst the circuits were out. There was another point, and that not the least important, which also required consideration. He referred to the salaries and position of the future Judges of Appeal in Ireland. Attention had been called to-day by a very eminent Judge to the Court of Intermediate Appeal—and information had reached him to the same effect—that none of the Puisne Judges in Ireland would take the office of Lord Justice of Appeal, because the pay would be only the same as that of Puisne Judge, while the Registrar of the Puisne Judge who took the office would lose £200 a-year. He thought it would be well if his noble and learned Friend raised the salary of the Lords Justices of Appeal to £4,500 a-year—to make the position of Lord Justice so far preferable to that of ordinary Judges, that the best men on the Irish Bench and Bar would seek

the office. He did not know that he need say any more. He observed that by the 85th clause power was given to the Lord Lieutenant in Council to abolish any of the Divisions of the High Court. This was, he was aware, copied from the English Act, and was a power not likely at present to be exercised; but still he was of opinion that in a matter of so much importance, it would have been better for Parliament to have kept the power in its own hands.

LORD O'HAGAN thought that this was not the time for going into the details of the Bill—but he would repeat his approval of the general principle of the measure. It appeared to him impossible to avoid establishing a High Court of Judicature in Ireland, as one had been established for England by the Act of last year. An Intermediate Court of Appeal was an absolute necessity, and without it justice could not be effectually done in Ireland. The majority of cases which came before the existing Courts were so small that they would not bear the expense of an appeal to England; the majority were disposed of finally on the first appeal, and so they would continue to be. The question as to the constitution of the High Court of Ultimate Appeal for the United Kingdom was not yet before their Lordships—It would be raised on the Resolution of which the noble Lord the Chairman of Committees had given Notice, urging such a new constitution of their Lordships' House for the discharge of judicial business as might make it a complete and satisfactory Appellate tribunal for the whole Empire. He thought the noble Lord's proposition was worthy of great consideration. He did not know that it had ever been thoroughly discussed as the case of England; but certainly it never had been as the case of Ireland or of Scotland. He entertained a very strong opinion on the subject; and in Ireland the feeling was decided, and he believed universal, for the maintenance of the ancient Appellate Jurisdiction of their Lordships' House. He would ask his noble and learned Friend on the Woolsack to postpone the Committee on the Bill as long as possible. Its details would have to be carefully examined, and both branches of the legal profession in Ireland were taking steps to have it considered accordingly. He did not think it at all

so clear as his noble and learned Friend supposed, that there was an excess of judicial strength in Ireland. It was his opinion, and that of others, that this Bill would very much increase the business of the Superior Courts in that country and he hoped that his noble and learned Friend would pause before he pressed the reduction of the number of Irish Judges, without adequate inquiry or careful preparation for the future.

THE LORD CHANCELLOR: My Lords, my noble Friend the Chairman of Committees, who is invariable on the view he takes of the Appellate Jurisdiction of this House, has adopted a very legitimate course on this occasion, his object being not so much to invite discussion as to indicate the proposal he will submit to your Lordships when the Bill to amend the Judicature Act of last year comes to be discussed by this House. That being so, I will not detain your Lordships at any length on this point. I may, however, observe in relation to my noble Friend's reference to the antiquated practice of appointing Triers, which it appears is still kept up at the commencement of each Parliament, that if your Lordships will look to the proceedings which were taken three years ago before a Select Committee, you will find that we then went into the whole question, and considered the plan of appointing Triers. I do not seek to disguise that it was always my wish to find means to preserve the Appellate Jurisdiction of this House, and with that view I made some proposals to the Committee; but those proposals were not received with much approbation either in this House or out of it. I am sure, however, that the proposition of my noble Friend will be considered with great interest and attention by your Lordships when he brings it before the House. My Lords, as something has been said about the opinion of Scotland and Ireland on the subject of the Appellate Jurisdiction of this House, I wish that there should be no mistake on this point. I have seen the statement made—and I think it has been repeated to-night—that it was the unanimous opinion of the Scotch Judges that the ultimate appeal to this House should be retained for Scotland. Now, the Lord Justice General has been good enough

to forward me the resolution or resolutions, for there are two, of the Scotch Judges on this subject. In the first of these they state that while they value very highly the Appellate Jurisdiction of this House, and think that the way in which justice has been administered here has been of great benefit to Scotland, yet as, by the Act of last Session that jurisdiction was abolished in the case of England, and if it were now to cease in respect of Ireland, that might afford a practical objection to its being retained for Scotland. The resolution then goes on to say that the Judges are unanimously of opinion that the retention of the Appellate Jurisdiction of this House for England, Ireland, and Scotland would be preferable to the plan proposed by the other Bill of a Supreme Court of Ultimate Appeal. As I understand it, the Judges express themselves to this effect—"We should like Scotch appeals to go to the House of Lords, but not Scotch appeals alone. We would have you undo the Act of last Session, and retain the House of Lords as the Ultimate Court of Appeal for England, Ireland, and Scotland." And, my Lords, though the opinion expressed in Ireland is not before me, I believe I am correct in stating it to be this—that the Appellate Jurisdiction of your Lordships' House ought not to be retained for Irish appeals alone, but that it ought to be retained in the full manner proposed by my noble Friend the Chairman of Committees. With respect to what my noble and learned Friend the late Lord Chancellor of Ireland (Lord O'Hagan) has said on this subject, I cannot help feeling some regret that last Session, when we were engaged in considering the question of abolishing this Ultimate Jurisdiction in the case of England, we had not the advantage of hearing from him that it was a mistake which we ought not to have fallen into, and that we ought not to have consented to abandon our function of giving final judgment on appeals. As to the objections made to the details of the Bill now before the House by my noble Friend (the Earl of Belmore), nothing is more agreeable to me than criticism coming from one connected with Ireland, and who brings such intelligence to bear upon all subjects to which he addresses himself. As to our retaining the title of Lord Chief Baron, this is only follow-

The Lord Chancellor

ing the precedent in the English Act. The titles of the Chiefs of the Courts do not suggest that there are other Judges of inferior rank with somewhat similar titles, but will suggest that the persons who bear these titles are Judges of high Judicial rank. We are now fusing all the Courts into one, and we retain these titles with the view of having a certain number of the greatest judicial officers in the Supreme Court. Now, as to the business to be discharged by the Irish Puisne Judges after the passing of the Bill, the Court of Exchequer Chamber in which the Puisne Judges now sit for a considerable portion of their time, will be swept away. In the next place one Judge will preside over the Court for the criminal business of the city and the county of Dublin, instead of two. Again, the Court for Crown Cases Reserved will be abolished; and in the Divisions of the High Court two or three Judges may sit instead of the present number of four for each of the Common Law Courts. Then there will be only five circuits instead of six. What is proposed to be done in Ireland with respect to reducing the number of the Judges is only a following of what Parliament did last year when it dispensed with three of the English Judges. If, as my noble and learned Friend (Lord O'Hagan) anticipates, there should be a considerable increase of litigation in the Irish Courts under this Bill—though I do not know that such a result is to be desired—Parliament will be always ready to hear a representation as to additional judicial strength being required. My noble Friend (the Earl of Belmore) suggests that the Bankruptcy Court should be transferred to the Court of Exchequer instead of, as he says, to the Court of Chancery. But my noble Friend is under a misapprehension in supposing that the Court of Bankruptcy is to be abolished under the Bill. The question of Bankruptcy jurisdiction is different in Ireland from what it is in England. In England bankruptcy is scattered throughout the whole country, and is administered by the County Court Judges. In Ireland it is not so—there, bankruptcy is administered in Dublin alone, and by two Judges who sit in that city. Those two Judges are preserved—and for the simple reason that they cannot be dispensed with. It is the appeals in bankruptcy that are dealt with by this

Bill and they are transferred to the Chancery Division of the Supreme Court for decision. Then we come to the Court of Appeal, and the noble Earl repeats observations which we have seen elsewhere not long ago. All I can say, my Lords, is that I am not afraid of not being able to obtain competent Judges for the Court of Appeal in Ireland. At the same time I am not going to unsay what I said when the question of the English Court of Appeal was before Parliament last year. I regret that the salary of the Judges of the Court of Appeal in this country was settled by the other House of Parliament at £5,000 instead of at £6,000—the sum which I think was fixed by your Lordships' House. But taking into account the difference of things in the two countries I think a Judicial salary of £4,000 a-year in Ireland may be very fairly regarded as equivalent to one of £5,000 in England; and, therefore, having regard to what was done by Parliament last year, I am of opinion that you could not propose a higher salary than £4,000 for the Judges of Appeal in Ireland. Parliament ought not to be niggardly in these matters; but you must open up the whole question as regards both countries if you go into the objection as to the salaries in Ireland. My noble Friend said he understood that on the terms offered, no Puisne Judge in Ireland would accept a Justiceship of Appeal. I think it would be better to defer that till the time comes for appointing to the office. The offer would probably then be answered in a more satisfactory manner. As to the Committee on the Bill, I propose to take it either on the Tuesday or on the Thursday in the week after the Whitsuntide Recess.

LORD SELBORNE: In reference to a quotation made by the noble Lord the Chairman of the Committees from a speech made by me in the House of Commons some years ago, I think my opinion last year is at least an answer to any opinion I may have expressed on the same subject in former years. I do not claim any authority for my opinion, but if it had any authority I think my present opinion is better than my opinion some years ago, and my present opinion is most deliberately my opinion of last year. I should view with regret any disposition on your Lordships' part to undo what you did last year. The

opinions of the profession in Scotland and Ireland ought, of course, to be received with respectful consideration. I must, however, remark that the opinion expressed by the Lord Chief Justice of England was known a year before my Bill was introduced; the Bill itself was in the hands of the English Judges the moment it was introduced. I heard no objection from any of the Judges to the constitution of the new Court of Ultimate Appeal, and several of the Judges expressed their concurrence in the views of the Lord Chief Justice. From Scotland or Ireland no objection whatever was offered; and afterwards, as everybody knew, they asked, not that English appeals should still go to the House of Lords, but that Scotch and Irish appeals should go, under proper arrangements, to the new Court of Appeal.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Tuesday the 2nd of June next.

EAST INDIA ANNUITY FUNDS BILL.

(*The Marquess of Salisbury.*)

(NO. 51.) COMMITTEE.

House in Committee (according to Order.)

THE MARQUESS OF SALISBURY: My Lords, I trust I may be allowed to make an explanation in reference to a statement I made to the House a short time since. At an earlier period of the Session I quoted a despatch from the Viceroy of India which spoke of the neglect of some of the local officers in making the requisite preparations for the transport of grain in the districts afflicted by famine. As I did so, I think it only right to quote the words of a despatch which I received by the last mail, and in which the Viceroy modifies in some respect the terms of the despatch from which I had quoted, and expresses a high opinion of the efforts made by the local officers in the various stages of the famine. I should observe also that the former remarks appear to have applied only to a portion of one district—Tirhoot—and his observations were not to be applied to any other district so afflicted. But what I particularly desire to do is to quote the high opinion of the Viceroy as to the exertions of those officers. The opinion of the Viceroy is that after the

dare formerly mentioned, the officers had exerted themselves greatly to mitigate the horrors of the famine. The Viceroy there says—

"In respect to Sir George Campbell's personal services, we have already acknowledged the zeal and ability with which from the first he devoted himself to the arduous task of conducting the operations for the relief of distress, and we have particularly recorded our high appreciation of the manner in which he personally directed and supervised the relief operations on the occasion of his visit to North Behar. As regards the officers who acted under Sir George Campbell's orders, in spite of a temporary failure in one portion of the Tirhoot district, we cannot speak too highly of the zeal, energy, and devotion which they have from the first displayed. These officers deserve our warmest thanks: they deserve and they will obtain our cordial support in the performance of their arduous duties."

I think it is but right that I should quote this despatch to your Lordships.

VISCOUNT HALIFAX expressed the pleasure which it gave him to hear the noble Marquess make that statement to the House, as the former statement had caused a great deal of soreness amongst some of the officers in India. It would tend very much to soothe the feelings of those officers who before thought themselves unjustly censured.

Bill reported without Amendment; and to be read 3^d on Thursday next.

MALAY PENINSULA.

ADDRESS FOR CORRESPONDENCE.

LORD STANLEY OF ALDERLEY rose to call the attention of the House to the proceedings of the Straits Government in the Malay Peninsula, and to move that an humble Address be presented to Her Majesty for Copy of the Correspondence. His Lordship (who was very imperfectly heard) was understood to say that, while disclaiming any hostility to the noble Earl the Secretary of State for the Colonies, to the late Secretary of State, or to Sir Andrew Clarke, who had done good service in the posts he had previously filled, and against whom the only reproach that could be made was, that he had not been long enough in the East to have learned to avoid the evils of precipitation, and that he had not taken sufficient time to ascertain the value of the counsel that might be offered to him, he felt it to be his duty to warn Her Majesty's Government against giving its sanction to the plans of the Straits Go-

vernment, by which it would not only be entering into equivocal and entangling engagements, but would be embarking in a course which must inevitably lead to the invasion and conquest of the whole of the Malay Peninsula. The Straits Government were projecting an encroachment upon two independent Malay States—Perak and Selangore. He would take first the case of Perak, a statement of which was published in *The Times* on the 5th of May, and *The Times'* Correspondent, though apparently advocating the action of the local Government, had the honesty to point out that this interference might probably drag us into another Ashantee business. There had been for some time a state of anarchy in Laroot, a district of Perak, caused by fights between different parties of Chinese miners from Penang. This anarchy had been increased by a Mantri, or Minister of the Sultan of Perak, setting up as ruler of Laroot. Captain Speedy went to that country some time ago and recruited Sepoys from India for the service of the Mantri. That recruiting was stopped by the Indian Government; but he believed Captain Speedy was still at Laroot, and he asked for information on that point. The Straits Government appeared to have taken advantage of this anarchy—for not preventing, at least, a part of which it was responsible since the Chinese disturbers of the peace came from Penang—to arbitrate between the different parties in opposition at Perak, as described in the statement published in *The Times*. But the object was in reality to impose upon the Sultan of Perak two British officials, to be called Resident and Assistant Resident, to be paid out of the Perak revenues, and with powers which would make them the virtual rulers of the country, since nothing was to be done without asking their advice. The Straits Government had also exacted the cession of two strips of territory, one along the frontier of Province Wellesley, not of much importance, but the other 25 miles long by five broad, near Pulo Dinding, was exacted under a Treaty drawn up in 1826, but never ratified or accepted by the East India Company, and now brought out from the oblivion in which it had remained till lately. The report in *The Times* showed that this had been

yielded under pressure only; and he asked Her Majesty's Government if this Treaty of 1826 was still valid, why that of 1819 with Achin was not equally valid and binding. He entreated Her Majesty's Government not to allow the officials to whom he had referred to be called Residents—a title which in Java was equivalent to that of Governor, and which in British India was associated with annexation—and, above all, to appoint respectable persons, responsible to the Home Government and independent of Singapore local interests and influences. An article in *The Penang Gazette*, of January 8th, 1874, contained the following words—

"We hear that it has been determined by the British Government to proclaim a Protectorate over the territories of Salangore. No well-wisher to the Straits, or man of common sense, can gainsay the wisdom of this measure as far as it goes; but it is, to say the most of it, only a half one. The time has arrived when, on the broad grounds of humanity, as the paramount power in these waters, and in discharge of a sacred duty, the British should put a stop to the atrocities which the weak rule of the Malayan Chiefs, and the consequent anarchy existing in their territories, have made so common of late. . . . The only cure for this state of things lies in, either directly annexing the whole of the Peninsula from the River Kreean to Johore, or the establishment of a Protectorate over the same area."

Now, a letter from Singapore, of March 26th, in *The Morning Post* of May 11th, reporting a speech of the Governor, Sir Andrew Clarke, to the Council, and the address or reply of the Council, stated—

"It is no exaggeration to say, in the language of the Governor's address, that the protraction of the war in Achin has seriously prejudiced our trade with the ports in the north of Sumatra. But beyond this dissatisfaction with the disturbance of commercial operations that has been thus caused, the feeling of the colony is decidedly with the Achinese, and against the attacking Power, and intervention on the part of the British Government to bring about a settlement of the quarrel would be hailed with the greatest satisfaction by the whole of our community. The Sultan of Achin is an ancient and faithful ally of England, for which country both he and his brave people have a strong attachment (their principal fault in the eyes of the Dutch). Yet we are allowing this independent State to be ruined and crushed by a powerful enemy. It is not yet too late for Great Britain to step in and mediate between the belligerents."

He maintained that it was odious for a nation, or its governors, or its Press, thus to blow hot and cold with the same mouth, and to advocate for ourselves

what we condemned on the part of the Dutch; and he implored Her Majesty's Government to consider the bad effect which any annexation in the Malay Peninsula would have in India, and elsewhere. It was with the utmost amazement that he heard the noble Earl the Secretary for the Colonies, when speaking of the Gold Coast, describe with complacency his arrangements for the government of the Straits Settlements after their transfer to the Colonial Office, as though he had found there a *tabula rasa* without any institutions, whereas whatever he did, judging by the results, had been the reverse of improvement. The noble Earl had neglected to renew or enforce the salutary rule of the East India Company, forbidding their officials to accept presents. The consequence was, the acceptance of presents by the Governor and other officials became so general as to be commented upon by the Singapore Press, and he would read extracts from two letters which had appeared in *The Overland Straits Times*—

"It may be well to move to have a Commission—not a jobbed one—to inquire into the practice of H. E., the Governor, of receiving presents from different persons—Native Chiefs and others—and the time and occasion when these presents were received. . . . It is known that even subordinates accompanying the Government to neighbouring States take valuable presents from Native authorities, and thus are brought up to perpetuate the evil."

"The subject of present-taking by the Governor is notorious, and that high official in no way conceals the fact. Can the public, however, believe that when a public man publicly takes presents, he will be very particular as to their nature and extent, or be very communicative as to all the good things he may receive. The bold admission that he does receive presents may be but a blind as to their importance and influence. . . . Are we to have another seven years of present taking?"—(*Overland Straits Times*, August 23, 1873.)

The noble Earl (the Earl of Carnarvon) had the ill luck to appoint this Governor, who disorganized the public service, squandered the revenues of the colony on building a house for himself—and for that purpose seized the bricks which the municipality had provided for waterworks and drainage, and on their remonstrating threatened to suppress them—a Governor who had left behind him a reputation which could only be compared to that of a Roman Proconsul of the time of Cicero. It was, however, only justice to remind the

House that the noble Earl had ceased to hold the office of Secretary of State very shortly after he had appointed this Governor, and was, consequently, not responsible for his acts. Under the auspices of the noble Earl, an Attorney General was appointed who had no knowledge of law, and who had been specially passed through Gray's Inn within one year, as he was only to practise in a colony. The noble Earl's successor the Duke of Buckingham was equally unfortunate in the Straits; for when the inhabitants of Singapore petitioned for the maintenance of the independence of the Judges, which they had till then enjoyed, he refused their petition, and his reasons were worse than the refusal itself. Under these circumstances, the purity of administration of the Straits Settlements was not such as to commend itself to the House, or to others, for extension to the Malay Peninsula. He had just met with an anecdote which was applicable to these circumstances: Shortly after the conquest of Persia by Sultan Mahmud of Gazni, a caravan was intercepted by robbers, and some of the merchants killed; the mother of one of these came to complain to Sultan Mahmud, who replied that he could not provide for so remote a portion of his dominions. The woman then boldly asked the Sultan—"Why, then, do you conquer countries which you cannot administer, and for the protection of which you will have to answer at the Day of Judgment." He now came to the case of Salangore. The Sultan of Salangore had three sons, and a daughter married to Tunku Dhya Udin, a brother of the Sultan of Keddah. The Sultan had given extensive powers to his son-in-law Tunku Dhya Udin, but about 1870 he found it necessary to revoke them. Tunku Dhya Udin obtained the support of some of the merchants of Singapore, and money advances from a lawyer, to be repaid, it was said, by a share in the revenue which Tunku Dhya Udin collected. In June, 1871, a Chinese junk sailed from Penang, some Chinese on board seized on the vessel, killed the rest of the crew and passengers, and took the junk into Salangore. Colonel Anson, who was then administering the Straits Government, sent the *Pluto* in search of this junk. This gave rise to the proceedings and bombardment of Salangore, related in the Papers laid before Parliament in

Lord Stanley of Alderley

1872, from which it appeared that Colonel Anson having given the impression to the Colonial Office that the Salangore Malays were pirates, the late Secretary of State for the Colonies, in his despatch dated September 6, 1871, blamed Colonel Anson for sending the *Pluto* to Salangore instead of a ship of war. Colonel Anson replied on the 19th October, backing out of the allegation that Salangore was a piratical stronghold, and he wrote—

"Your Lordship appears to be under the impression that I sent the colonial steamer *Pluto* with a party of armed police to attack a stronghold of pirates known to exist at Salangore, and, under that impression, very justly blame me for having done so."

"There had been from time to time complaints of petty piracies along the Malay coast, but it was always supposed that they were committed by small gangs of Malays of bad character, and there was no knowledge of any organized gang of pirates."

"Merchants of Penang and Singapore traded with Salangore, but they appear to have had no suspicion that the fort there was occupied with any view to piratical purposes, as they made no communication to this Government concerning it."

On the 26th of September, 1871, the Earl of Kimberley wrote to Acting Governor Anson—

"In ordinary circumstances, the proper course would have been to make formal application in the first instance to the Sultan for the outrage committed at Salangore, and not to have resorted to force unless the Sultan failed to execute the Treaty, and to make due reparation. But, as it appears from the papers before me, that the chiefs in possession of the government at Salangore were in rebellion against the Sultan's authority, and that the Sultan has expressed his satisfaction at your proceedings, I am not disposed to question the course you pursued. I need scarcely, however, observe that in dealing with native States, care should always be taken that all means of obtaining redress by peaceful means are exhausted before measures of coercion are employed."

"I observe that Mr. Birch, in the concluding paragraph of his letter to the Sultan, speaks of assistance to be given to the Sultan's Vakil (Tunku Dhya Udin) in case his authority is disputed. I conclude that this referred to general countenance and support, and that no promise of material assistance was given by Mr. Birch."

He would further refer to Nos. 21 and 22 of the Parliamentary Papers, from which it appeared that Vice Admiral Sir Henry Kellett gave directions that no such expeditions as that of H.M.S. *Rinaldo*, to Salangore, should be undertaken in future without reference to him; and that these instructions were approved of by Her Majesty's Government; and

he would observe that similar instructions had been given by the Chief of the Naval Station after the bombardment of Tringgann, and that they appeared to have been forgotten. Tunku Dhya Udin had been supported by the Straits Government against the Sultan of the country and the opinion of the inhabitants. The Straits Government proposed to support him still further by the appointment of a British official with the title of Resident—probably to be paid out of the revenues of Salangore, as in the case of Perak—and who would virtually be the ruler of the country. Should he meet with any difficulties, British forces would be probably required for his support, and they would be committed to hostile operations in a country abounding in forests, and on a coast lined by mangrove thickets. If it were merely desired to assist the States of Salangore and Perak to maintain order and improve their Government, it would have been as easy to do so without committing this country to the possibility of war and annexation, by sending to those States a British official of some experience to act under their authority. An intermediate course between that and the one proposed by the Straits Government would even be better than the plan proposed by the Straits Government—namely, to appoint officials with the title of Consuls taken from the Consular Service and responsible to the Home Government.

Moved that an humble Address be presented to Her Majesty for, Copy of the correspondence on the proceedings of the Straits Government in the Malay Peninsula.—(*The Lord Stanley of Alderley.*)

THE EARL OF CARNARVON said, the noble Lord began his remarks by stating that he had no wish whatever to censure either himself (the Earl of Carnarvon) or the noble Earl the late Secretary of State for the Colonies, or the Governor of the Straits Settlements. He quite accepted the expression of the noble Lord's wish with regard to himself; but he was bound to say that, if anything could convey censure upon all the three persons mentioned by the noble Lord, what the noble Lord had just said did so. The noble Lord was not justified by the facts in what he had said. The Act by which the administration of the affairs of the Straits Settlements was trans-

ferred from the India Office to the Colonial Office, was passed about seven years ago. That Act was the result of an application of the inhabitants of the Straits Settlements to be emancipated from the control of the India Office. The difficulties had arisen from the conduct of the Chinese who had settled in the Peninsula for the purpose of working the mines. Every one was aware how difficult the Chinese were to manage; and the consequence was that factions and feuds between them and the native Rajahs were constantly occurring. The Chinese carried away the wealth of the country—the Rajahs sought to raise their revenues, by levying taxes on the Chinese, who were carrying away their mineral wealth; quarrels arose, and the weaker party driven down to the sea coasts, took to piracy. The consequence was that the Natives desired to be released from the Government of the Indian Empire and placed directly under the control of the Colonial Office. At one time, an appeal was contemplated to the Chinese Government. Under such a complicated state of affairs he thought no Governor ought to be judged severely if he made some mistakes. He believed both the Government and the Administration of the Straits Settlements had been perfectly successful, and this was the first time he had heard they were dissatisfied with the authority of the Colonial Office. The noble Lord had traversed a very wide field of history, of anecdotes, and of Eastern politics, but he (the Earl of Carnarvon) was of opinion that the House did not think it was necessary for him to enter into an apology with regard to all the matters referred to by the noble Lord. The noble Lord had specially referred to two places, Salangore and Perak. Sir Andrew Clarke, the Governor of the Straits Settlements, had sought to apply a remedy by striking at the root of the evil. He had succeeded in putting an end to the impunity which had been practically accorded to the pirates of Salangore. And as to the pirates of Perak, who had been worse than those of Salangore, so far as he (the Earl of Carnarvon) had been able to judge, Sir Andrew Clarke showed remarkable energy in dealing with them. Sir Andrew Clarke seeing that the interests of trade were being ruined by the depredations of these pirates, had con-

certed measures with the Admiral on the station for putting an end to their proceedings, and with the aid of a naval force had suppressed their piratical pursuits by capturing and burning their boats, and capturing and punishing pirates who had been guilty of most atrocious outrages, and, lastly, by sending an expedition into the interior of Perack to extinguish the sources of piracy. Instead of punishing the captured pirates by his own power and authority he had handed them over to the Chiefs whose subjects they were. He was bound also to say that Sir Andrew Clarke, besides showing the utmost activity in pursuing and capturing the pirates, had organized an expedition of which their Lordships could not but approve—namely, to rescue from the pirates men and women who had been carried off and detained in captivity, and that he had actually recovered upwards of 50 of these unhappy persons. Not only that, he had opened communications with the hostile rulers, had conciliated them by his personal influence, and had bound over some of them under penalties amounting to \$50,000 to keep the peace. Besides that, he sent a commission into the interior to adjust differences with regard to mines. Treaties were entered into under which two English officers had been appointed Residents at the native Courts. He (the Earl of Carnarvon) did not see what objection there could be to the appointment of these Residents. The noble Lord objected to the title of these "Residents" and thought they would more appropriately be entitled "Consuls." He (the Earl of Carnarvon) did not object to the former title, and thought that if the Residents confined themselves to their proper and legitimate duties they would be of the highest service both to the country and to the Rajahs. In order to avoid all misapprehension, he wished to add that the Residents had been appointed at the distinct request and entreaty of the Rajahs to whose courts they had been sent. In regard to the question whether the Home Government would approve the proceedings which had been taken, he might state that they were awaiting a further and, as he believed, final report from Sir Andrew Clarke. Till that report came to hand it would, of course, be improper to express any final opinion on the subject,

The Earl of Carnarvon

but he felt no hesitation in saying that, in so far as he had become acquainted with the proceedings, the conduct of Sir Andrew Clarke seemed to him to deserve approval. A real necessity for intervention had existed. The country had been in a state of terrible misrule, trade had been perilous, and even in our own territory riots had seemed imminent. Under such circumstances, it was but the common duty of an English Governor to do all that was necessary to repress lawlessness and to protect British subjects; and if Sir Andrew Clarke used his personal influence, which undoubtedly was great, in order to discourage animosities and restore peace and order in neighbouring territories—in a region which was one of the fairest under the sun, and which, under wise government, might become as happy and as prosperous as any country—it certainly could not be said, at the worst, that he very far exceeded his duty. It was too early to speak of results, but he might mention that only the other day he received a telegram which implied that trade had already revived, and that the state of the country, in regard to public order, was more satisfactory than it had been for a long time past. As to the Motion for Papers, it was impossible for Government to assent to it. When the Correspondence was complete he would have no desire to withhold it from the public.

THE EARL OF KIMBERLEY said, he would not have troubled the House with any remarks, after the satisfactory statement which had just been made, if it had not been that the noble Lord who introduced the subject (Lord Stanley of Alderley) had included in his censures the late as well as the present administration of Colonial Affairs. He sincerely thanked the noble Earl for the defence he had made of the action of the Colonial Office. It must have been seen from the observations of the noble Earl that the administration of the Straits Settlements since the time when they were transferred from the India Office to the Colonial Office had not been quite so bad as had been represented. In regard to the matter of the Salangore pirates, there was some reason for surprise that the noble Lord had allowed three years to elapse before calling attention to it. The proceedings of the Government of the Straits Settlements were not at the

time challenged in Parliament, and to discuss them now was like dealing with a matter which belonged to past history. It was desirable, however, in fairness to the officers serving in the Straits Settlements, to bear in mind that these pirates had been guilty of the murder of between 30 and 40 peaceful persons who had left Penang on board a junk. He conceived it to be one of the first duties of the British Government towards civilization to take care that piracy did not resume its former condition in those seas. The information which reached the Colonial Office when he was at the head of it in regard to the proceedings of Sir Andrew Clarke was meagre, but the opinion he formed on the materials then before him was favourable to that Governor. Laroot had for a long time been in a state of extreme disorder, and this disorder had been caused for the most part by Chinese who had left our own territory at Penang. In regard to the details of the intervention and of the Treaty engagements, he wished to reserve his judgment, as he had no information on the subject beyond what he had derived from the Press. He was inclined, however, to think it would be found that Sir Andrew Clarke, in whom he had great confidence, had exercised a wise discretion in the proceedings he had taken.

LORD STANLEY OF ALDERLEY denied having attacked the new Governor, Sir Andrew Clarke; and repeated that the Salangore Malays could not be called pirates, because part of the Chinese crew of a Chinese junk, shortly after sailing from Penang, had murdered the rest of the crew, as was clearly shown by the Parliamentary Papers.

On Question, *Resolved* in the negative.

House adjourned at a quarter past
Seven o'clock to Thursday next,
half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 19th May, 1874.

MINUTES.] — NEW MEMBER SWORN — Alfred John Stanton, esquire, *for* Stroud.

SELECT COMMITTEE — Registration of Parliamentary Voters (Ireland), appointed.

SUPPLY — considered in Committee — Resolutions [May 18] reported.

PUBLIC BILLS — Ordered — *First Reading* — Merchant Ships (Measurement of Tonnage)* [118].

Second Reading — Poor Relief (Ireland)* [57, put off; Four Courts Marshalsea, Dublin* [116].

Select Committee — Report — Municipal Privilege (Ireland) (*re-comm.*)* [Bills 33-119] [Report 178].

Report — Holyhead Old Harbour Road (*re-comm.*)* [51].

Third Reading — Gas Orders Confirmation* [94], and passed.

BANK HOLIDAYS — WHIT MONDAY — THE LAW COURTS. — QUESTION.

SIR JOHN LUBBOCK asked Mr. Attorney General, Whether, considering how general the Bank Holidays have become, the Lord Chancellor will provide that the Law Courts and Offices shall be closed on Whit Monday?

THE ATTORNEY GENERAL: In answer, Sir, to the Question of the hon. Baronet, I have to state that the Lord Chancellor exercises control over the holidays in the Court of Chancery, but not over the Courts of Common Law. The latter are regulated by statute passed in the reign of William IV., and by such statute Whit Monday and Whit Tuesday, as well as certain other days, are appointed to be kept as holidays, provided they do not fall in Term Time; but as Trinity Term this year commences on Friday next, it follows that Whit Monday will fall in Term Time, and will, consequently, not be a holiday. As regards the Courts of Chancery, I have communicated with the Lord Chancellor on the subject of the hon. Baronet's Question, and am informed by him that he does not think it advisable to order that the Courts and Offices shall be closed on Whit Monday. As Term will only commence on Friday next, it would, in his opinion, be inconvenient to make a holiday on the third working day after the vacation, and the more so as the Courts and Offices will be closed on the following Saturday in honour of Her Majesty's Birthday. I may add that the whole question of sessions and holidays is now under consideration with reference to the new arrangements to be made under the Judicature Act of last year.

TOWNS IMPROVEMENT ACT (1854.)

QUESTION.

MR. O'SULLIVAN asked the Chief Secretary for Ireland, How many Towns

in Ireland have been placed under the provisions of the Towns Improvement Act, 1854; and how many of the Chairmen of the Town Commissioners in those towns hold the commission of the peace?

SIR MICHAEL HICKS-BEACH: Sir, 76 towns are under the provisions of the Towns Improvement Act, 1854. It is difficult to ascertain how many Chairmen of the commissioners in those towns hold the commission of the peace, but as far as I have ascertained they amount to 21.

LOCAL AUTHORITIES RECEIPTS AND EXPENDITURE, 1872—SCHOOL BOARDS.
QUESTION.

MR. PELL asked the President of the Local Government Board, with reference to the Return "Local Authorities Receipts and Expenditure, 1872," Why the terms of the Order of this House, dated July 16th, 1872, have been departed from; and, as the accounts of the County Authorities in this Return are brought up to September 29th, 1872, why the accounts of the School Boards up to the same date, amounting in expenditure to about £280,000 for the year then ending are omitted, though the abstract of such accounts appeared in the last Report of the Committee of Council on Education?

MR. SCLATER-BOOTH, in reply to the first Question of the hon. Member, said, that according to information he had received, the Returns in question were made out as accurately as was practicable, considering the information at the disposal of the Local Government Office. With respect to the second Question, the Returns for the school boards would be found included in the gross totals. In future the school board Returns would be presented in a separate form.

LAW OF HYPOTHEC (SCOTLAND.)
QUESTION.

SIR ROBERT ANSTRUTHER asked the Lord Advocate, Whether the Government are prepared to give facilities for the discussion of the Hypothec (Scotland) Bill now awaiting a Second Reading, or whether they are prepared to introduce any measure dealing with this question?

MR. ASSHETON CROSS: Sir, as the Question relates to the general business

Mr. O'Sullivan

of the House, perhaps I may be allowed to answer it, instead of the Lord Advocate. It is not the intention of the Government this Session to bring in any measure relating to Hypothec in Scotland; and, looking at the state of the Notice Paper at present, I do not see any reasonable prospect of being able to give facilities for the discussion of the Bill now awaiting a second reading.

H.M. CONSUL AT BATAVIA—THE SHIP
"MONTROSE."—QUESTION.

MR. ROBERT DUFF asked the Under Secretary of State for Foreign Affairs, If he will lay upon the Table of the House any explanation that may have been received from Her Majesty's Consul at Batavia relative to his treatment of the crew of the ship "Montrose" of Greenock, the conduct of the Consul having been characterised by the Board of Trade, in a Document presented to this House, as "discreditable" to the position he occupies?

MR. BOURKE, in reply, said, the Papers containing the defence of the Consul at Batavia in reference to the case of the *Montrose* had only reached the Foreign Office within the last 24 hours, and it would be necessary to communicate with the Board of Trade. When their reply was received the noble Lord at the head of the Foreign Office would take the matter into his consideration. At present it would be inexpedient to produce the Papers; but when the matter had been fully considered there would be no objection to lay them upon the Table.

AGRICULTURAL TENANT-RIGHT—
LEGISLATION.—QUESTION.

MR. SEELY asked the First Lord of the Treasury, Whether the Government intends to bring in a Bill this Session for giving compensation to Agricultural Tenants for unexhausted improvements?

MR. DISRAELI: No, Sir; it is not the intention of Her Majesty's Government to bring in a Bill this Session for that purpose.

HERTFORD COLLEGE (OXFORD) BILL.
QUESTIONS.

LORD EDMOND FITZMAURICE asked the Right honourable gentleman the Member for the University of Oxford,

If he will lay upon the Table of the House, a Copy of the Trust Deed mentioned in the preamble and in section 6 of the Hertford College, Oxford, Bill; and, when he proposes to bring on the Second Reading of the Bill?

MR. KNATCHBULL - HUGESSEN asked, Whether it would not be advisable to reconsider the position which the Bill occupied, it being fixed for the 4th June—a Government night?

MR. MOWBRAY: Sir, no trust deed is mentioned or referred to in the Preamble or 6th section of the Bill. In fact, there is not any trust deed in existence relating to £30,000 mentioned in the Preamble. £30,000 has been transferred by the donor to the Chancellor of the University, and now stands in the Marquess of Salisbury's name solely upon trust, to hand over the same to the collegiate body to be incorporated by the Bill, and to be used for the endowment of Fellowships in Hertford College. No further condition can be imposed by the donor, and if the Bill passes, the money will be placed entirely beyond his control. Although the Bill has been put down for the 4th June, with the object of securing an early day for its discussion, it cannot be brought on before the 8th June.

THE ENDOWED SCHOOLS COMMISSION. QUESTION.

MR. LEATHAM asked the Vice President of the Committee of Council on Education, Whether he is prepared to state the intentions of the Government with regard to the renewal or otherwise, of the Endowed Schools Commission?

VISCOUNT SANDON: A Bill, Sir, on this subject is under the consideration of the Government; but I am not prepared at this moment to state what course the Government intend to take in the matter.

INTOXICATING LIQUORS BILL — CLOSING OF LICENSED HOUSES.

QUESTION.

MR. MELLY asked the Secretary of State for the Home Department, If he will give the names of "the one or two parishes" beyond the jurisdiction of the Metropolitan Board of Works for which he proposes to fix half-past twelve as the closing hour for licensed houses instead

of eleven p.m. the hour at which they are now closed?

MR. ASSHETON CROSS, in reply, said, the only difficulty about the matter was of a technical character connected with some change that had taken place with regard to the area of the Metropolitan Board of Works. The only parish which Her Majesty's Government wished to include, and which was not included, was that of West Ham.

SALARIES OF RESIDENT MAGISTRATES (IRELAND).—QUESTION.

MR. MOORE asked the Chief Secretary for Ireland, Whether his attention has been drawn to the following facts: viz. that it is now more than two years since an increase of salary for the Resident Magistrates was recommended by the Commissioners appointed to inquire into the matter; that last year, when the Chairman of Counties and Constabulary received an increase of salary they also received certain allowances of retrospective pay; and, whether a similar course will be adopted in the case of the Resident Magistrates?

SIR MICHAEL HICKS-BEACH, in reply, said, it was the fact that two years since an increase in the salaries of the Resident Magistrates of Ireland had been recommended by the Commissioners. That increase had only recently obtained the consent of the Treasury, and it would, as usual, date from the time when the consent of the Treasury had been obtained. He had not been able to ascertain all the facts connected with the second part of the Question; but he understood the sanction of the Treasury had been given to the increase in the salaries of the Constabulary some time before the Act of Parliament had been obtained, and, therefore, in their case, the arrangement was, necessarily, retrospective.

OPENING OF MUSEUMS ON SUNDAY. RESOLUTION.

MR. P. A. TAYLOR* said:—The Motion of which I have given Notice runs as follows:—

"That, in the opinion of this House, it is desirable to give greater facilities for recreation of a moral and intellectual character by permitting the opening of Museums, Libraries, and similar institutions on Sunday."

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In asking the favourable consideration of the House upon this question I feel an unusually weighty responsibility; but I have to propose a Motion which, in my opinion, is in harmony with the spirit of the age. I have to propose a Motion which I believe will meet with the acceptance of a large proportion of the educated and thoughtful classes of the community, and which I believe is in accordance with the real opinions of the large majority of this House. I have to propose in a word, something which, in my opinion, is absolutely right in itself, and the principle of which and the advances towards that principle are the most moderate that can well be imagined. The last time there was a division on this subject in this House was, I believe, in the year 1856—18 years ago, when the Motion was defeated by an overwhelming majority, and it cannot be complained by those who take an opposite view to that which I shall endeavour to support to-night, that in this struggle we have been continually urging our views upon the public. Nor should I have brought forward this question during the present Session had I not thought that there was ample reason to believe that a great change had taken place in the opinions of the country and of this House. If, therefore, the question does not receive a favourable solution to-night it will, at any rate, at no great distance of time do so. If, then, I should not be successful in obtaining the vote of the House it will be difficult altogether to divest myself of the opinion that some fault must rest upon the proposer. I can only entreat the House to consider the justice of the cause, and not to allow it to suffer through the shortcomings, or, what may be worse, the supposed far goings of its humble advocate. One evidence of favourable change was given by a division in 1863 upon a Motion to open the Edinburgh Botanical Gardens on Sunday. I need not remind the House that any question which touches Sunday observances meets with a very poor chance when it gets North of the Tweed, and yet upon that question the majority against the opening was only 16, and the then Premier (Viscount Palmerston) declared that he entirely agreed with the principle of the opening, but bearing in mind the peculiar views of Scotchmen upon the question he could not vote for the Mo-

tion. Among the evidences of the change which has taken place in public opinion on the question since 1856, I may mention first one that occurs as from the mere lapse of time. The crowded populations of our great cities have become more crowded still, and as we may hope and believe that our population has become more educated and more competent, and therefore knowing the benefits of a higher culture, the demand for this sort of higher recreation will naturally have increased. I will mention as another evidence of change that in 1860 a Memorial was addressed to the Queen having for its object precisely that which I propose to-night, which was signed by nearly 1,000 gentlemen distinguished in the pursuits of literature, science, and the fine arts. Of course, I cannot trouble the House with more than a few of the names that were appended to perhaps the most remarkable Memorial ever presented to the Crown. Amongst them were the names of Thackeray, Dickens, Mill, Douglas Jerrold, William Howitt, Sir Arthur Helps, Sir William Jenner, Sir John Herschell, Sir Roderick Murchison, General Sir John Burgoyne, Sir Henry Holland, Dr. Lyon Playfair, Sir Charles Lyell, Professor Owen, Charles Babbage, and John Sheepshanks. I mention especially the last named gentleman, because it seems to me that we are almost perpetrating a fraud on his generosity. It was well understood when he left his magnificent collection of paintings to the public that it was with the desire that they should be open to the public on the only day on which, at any rate, the working and a large portion of the middle classes have an opportunity of viewing them. I may also mention a Petition which has been presented to the House, signed by about 200 clergymen and ministers in favour of my Motion. The House would find amongst those names a large proportion of names respected throughout the country. I will only mention among them the Rector of Bethnal Green—the district in which the question of the opening of the Bethnal Green Museum excited so much interest—three Chaplains in Ordinary to Her Majesty, the Dean of Westminster, the Master of Baliol College, Oxford. I will also mention the name of Sir Henry Thompson in connection with this question, because in a letter written by him, he

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has given a new and especially valuable character to our demand—namely, as affecting the sanitary condition of our population. Speaking at the annual soiree of the Theological Total Abstinence Union, New College, St. John's Wood, he said—

“All men of action, whether educated or not, require a foil of some kind to their hours of blank toil, they need a totally different condition of the nervous system which shall be a relaxation from that which exists during the strain of prolonged labour.”

In the absence of this for the people he adds—

“Do you wonder then that they seek that elevation of spirit, that buoyancy of heart which can be bought for so many pence. Therefore, we should, on all days, especially on Sundays—at least in the afternoon and evening—see that our coffee houses, reading rooms, libraries, museums, and picture galleries are open for the working men. Much as I want my own Sunday's rest, occupied as I am, I would gladly devote a part of it to accompany a party of working men round our National Gallery, to cultivate their tastes there to an extent to which I might be able. I can say this, because I accepted a like duty some years ago, on Saturday afternoons, and this is work in which I hold that you might be well and rightously employed, and this is what you must do if you would really win the working man from drink.”

I may notice, also, a great falling off in the number who petitioned against my Motion. In 1856, there were 629,000; in 1866, there were 150,000. They were considerable last year, but this year there are very few indeed. I should be glad to infer from this not merely a change of public opinion upon the subject, but also a favourable change in regard to the honesty with which these signatures were obtained. Now, I am always loath to take exception to the mode of getting up Petitions; there is necessarily a considerable licence allowed, and such charges are easily made and difficult to be refuted, but I do think that in this case the House will agree with me that the ordinary licence was altogether overstepped. I have before me statements from two clergymen and one gentleman who gives his name and address, all from the same district, who call attention to the fact that in their district Petitions were got up by young girls signing for their whole family, and signing moreover three times over, first at Sunday schools, then at home, and again at public meetings. As one of the clergymen says pathetically, “Religious people are so unscrupulous as to means.”

A gentleman further states that to his knowledge collectors have called at the houses of working men well known to be favourable to this question, representing to their wives that unless they signed for their husbands they would be compelled to work on Sundays and get no pay for it. I have noticed with regret something of the same sort of spirit in connection with a recent deputation to the Duke of Richmond, introduced by the Earl of Shaftesbury. On that occasion a statement was put into the hands of the noble Earl—which, on being afterwards asked for an explanation, he avowed he had no personal knowledge of—stating that the members of that deputation represented various societies of the working classes; and the noble Earl was made to state that the opinion of the working classes of this country was all but unanimous against my proposition. In the course of a correspondence it was afterwards admitted that although there were indeed upon the deputation members of various trades and unions, there had been no form whatever of deputation or of delegation, and they no more represented the working classes in general, or those trades in particular, than it could have been said if a solitary red-coat had happened to stray into the room, that the whole British Army was represented. As an answer to such observations a careful canvass was undertaken by the Sunday League of a number of trade societies, clubs, shops, and so forth, through members of their own bodies. I have before me the result of such canvass. There are a large number of tailors' shops in London, varying from 240 to 18 or 20 hands. The general result is that of the 79 shops so canvassed—there have been more since, I believe, but that is all I have before me—there were absolutely unanimous in favour of my Motion 38; all but unanimous—that is, with but one or two exceptions, 30; and of the remaining 11 the general majority was perfectly overwhelming. I hold in my hand certificates in every case from the official of each shop or society. I have every reason to believe that the canvass was honestly carried out, and that the result is accurately stated. It is my candid opinion that if the working classes of this country could be polled, there would be a large majority in favour of

opening museums and libraries on Sundays; but, at any rate, it cannot be the fact to say that hardly any of the working classes are in its favour. The fact that I have the honour of addressing the House now is a sufficient testimony. At the last election I found myself famous one morning in Leicester as a champion of desecration. I am not in the habit of concealing my opinions, whether popular or not—the question was discussed again and again at public meetings, and the result was that I was returned by a majority larger, I apprehend, than most hon. Gentlemen can boast of. The same may be said also in regard to Hackney, where also the question was largely canvassed, and the result was the return of my hon. Friend (Mr. Fawcett), whom we are all so glad to see here again, also by a large majority; so that I believe—in fact, it may be said—that in the only two constituencies where this was made a vital question, the friends of freedom on this point were returned by large majorities. Again, I may mention another incident which, as I think, largely tended to mature public opinion on this question. The hon. Baronet the Member for Lisburn (Sir Richard Wallace), with a magnificent generosity which has earned him the respect, I am sure, of every Member of this House, as it has earned him the gratitude of the people of the Bethnal Green district, sent his magnificent collection of pictures there for the benefit of the population, and then it was found that, contrary to his understood wishes, as well as to common sense, the people were shut out from any opportunity of viewing this collection on the only day when they could, at least, with any convenience or leisure, derive any benefit from it. The hon. Gentleman might have purchased a palace in Piccadilly, and filled it with all the finest pictures in the world, he might have opened it, and sent tickets of admission to all the upper ten thousand, he might have had a line of carriages outside half-a-mile along, every Sunday, and no blame would have attached to him, or those who availed themselves of his benevolence. It is only when the working and trading classes of the eastern districts are sought to be benefited, that we step in and refuse permission, and this has been done against the most strenuous and honourable exertions of

the pastor of the district—to whom be all honour for the exertions he has made—the Rev. Septimus Hansard—and who testified openly that, in his opinion, nothing but good could result from the exhibition on Sunday afternoons of Sir Richard Wallace's pictures in the Bethnal Green Museum; and, he adds, and I commend the words to the attention of my religious friends—"If the Sabbath was made for man, and not man for the Sabbath, much more so was the Christian Sunday." But the change on which I would principally rely, is the advance that has taken place in the last 20 years in the principles of universal toleration and of religious liberty, for the House will observe that this is not a question of the abstract correctness of one set of opinions or of another; it is a question of the right of every man to decide upon it for himself—it is a question of toleration *versus* persecution. It has been well said—

"Though the feeling which breaks out in the repeated attempts to stop railway travelling on a Sunday, in the resistance to the opening of museums and the like has not the cruelty of the old persecutors, the state of mind indicated by it is found eventually the same. It is a determination not to tolerate others in doing what is permitted by their religion because it is not permitted by a persecutor's religion."

And this is a lesson which I think has been especially impressed upon Nonconformists during the past few years. There is no class of the community for whom I have a greater respect than for the Nonconformists, and it cannot be denied that amongst the opponents to my proposition would, until lately, have been found those earnest and religious men. But their views have, I think, lately undergone a remarkable change. Under the re-actionary leadership of the right hon. Gentleman the Member for Bradford (Mr. Forster), the Dissenters of England have learned this great lesson in its fullest meaning—namely, that those who demand perfect religious equality for themselves must be prepared to grant that full religious liberty to all others. My hon. Friend who is to oppose me to-night has, I see, lately, so to speak, read himself into the great organization which is banded together to disestablish the English Church. I am glad to welcome him as a member of that society; but he will, I hope, excuse my observing that, in opposing my Motion to-night, he would seem to show that he has not

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mastered, to the fullest extent, those principles of religious liberty which should logically be held by those who would undertake the overthrow of a dominant Church. Now, Sir, I wish I could pass by altogether what is called the religious side of this question. The House is not fond of such discussions, nor am I; but it has seemed to me impossible altogether to avoid it, seeing that it is at the very root and base of the opposition to the measure which I propose. When we are told on religious grounds that it is wicked to do on one day in a week what it is harmless or even praiseworthy to do on the other six, it is impossible to avoid examining the foundation of that religious dogma, and the sanctions to which it makes appeal. I know my hon. Friend would gladly accept my declaration that we would avoid altogether the discussion of the religious side of the question; but I know by sad experience too well what that would mean. My hon. Friend would avoid the discussion, it is true; but in his argument he would simply take for granted that which had been left undiscussed, and in the first few sentences of his speech I feel no doubt that we should hear him declare that the proposition which I had made was one contrary to the laws of the Almighty, in violation of the ordinances of Christianity, and such therefore as no nation could adopt with a hope to obtain the blessing of Providence. It will not, however, be necessary for me to do more than merely touch upon that view of the question, and for this reason—that I do not desire to attack the correctness of the views held by my hon. Friend and his party, nor to assert in contradiction the correctness of my own. I am sure, if I were desirous of conducting such an argument, the House would naturally decline to accept me as a teacher on such a question. But my contention is not that our views in regard to the sanctity of Sunday are correct, but that it is a question on which all classes of the community have an entire right to judge for themselves. I shall, therefore, only show by a few authorities that there is at least much to be said for our view of the question; and therefore no reason whatever for taking it out of the ordinary ground of the entire right of all classes and individuals to decide the matter according to their own con-

sciences. Now, my hon. Friend will not deny for a moment that I can bring against his views of the question a cloud of witnesses, that I can produce to him learned theologians, acute Biblical critics, and pious Divines, established and non-established, who would tell my hon. Friend that, in their opinion, his opposition to my Motion on the ground of its being against the ordinances of Christianity is a pure delusion; that, in fact, he is attempting to transform a Jewish law into a Christian superstition. They would remind my hon. Friend that the law for the observance of the Sabbath was a Jewish law for the observance of the seventh day or Sabbath—what we call Saturday—and that it was in avowed commemoration of the most tremendous event which could occur in the history of the world. They would remind my hon. Friend that it is not a light thing to transfer a solemnity from one day to another, and they would defy my hon. Friend to find a single passage in the Scriptures authorizing the transference of the obligations of the Sabbath by the Jews to the first day by the Christians. In a word, they would tell my hon. Friend that if he seeks to oppose my Motion upon the basis of the fourth commandment, he is bound to keep holy the Sabbath Day, and not the first. There is, in fact, I am told, a sect of Christians who consistently carry out these views. They are known as the Seventh Day Baptists, and they are the only sect who enjoin the observance of the Jewish Sabbath in the moral code of Christianity. If my hon. Friend should feel inclined to join that body he would be an eminent gain to it, even in point of numbers, for he would increase their body more than 5 per cent, seeing that their number consists, including parson and clerk, of but 16 individuals. The authorities to which I have referred would even remind my hon. Friend that the Founder of Christianity himself was reviled and denounced by the authorities of his day precisely because he refused to accept their interpretation of the observance of their Sabbath; and they would remind him that the great Apostle Paul contemptuously rejected the binding necessity of keeping the Jewish Sabbath, declaring that as regarded one day more than another, nothing was asked but that every man should be fully persuaded in his own mind; and therefore they would tell my hon. Friend that

if he desired to found his opposition to my Resolution upon the ground of its being in opposition to the principles of Christianity, he would have to confess that he was more Christian than the Founder of Christianity himself. In fact, he would be like the old Scotchwoman spoken of by Dr. Doran, who, on pronouncing that to walk on the Sabbath Day was a deadly sin, was reminded that Jesus himself had walked in the cornfields on the Sabbath Day, to which she replied, "Ah, weel, it is as ye say, but I think nane the better o' him for it." As a matter of history, I may remind my hon. Friend that the early Christians neither did nor could observe the first day in the week in the way indicated by his opposition to my Motion—that, in fact, for upwards of 1,000 years the very name of Sabbath, as applied to the first day in the week, was unknown. It was not, in fact, till the beginning of the 16th century that this heresy showed in any force. In 1516 Erasmus observed with regret the tendency towards Judaism, excited by a revival of Hebrew literature, and strongly characterized it as a "pest the most dangerous to Christianity." In fact, even in Scotland, up to 1647, when the Westminster Confession was adopted, the standard of the Church of Scotland was silent as to the duty of keeping holy the Sabbath day, as may be seen by reference to the original Confession prepared by John Knox in 1560. In truth, the Sabbatical heresy is one that we owe to our Puritan forefathers of 300 years back, and a pretty legacy it has proved. They said and did many wise and noble things; but urged, I suppose, by a violent re-action against the vices and debaucheries of a corrupt Court, they unfortunately took to themselves, and have left to us for our misfortune, this piece of austere superstition. Now, it appears to me that I can especially appeal to the Tory Government for a reversal of this policy. They can have nothing in common with Puritanism; they are untouched by its vices, and untainted by its virtues. I should have hoped, also, that I might make a special appeal to the noble Lord whom I see opposite (Lord John Manners) for support upon this measure. I should have expected to find him desirous rather of giving again to the people the old sports and pastimes to which the Puritans put a stop, than of opposing the

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worst portion of the legacy which they have left us. It is, therefore, to about the date of the Reformation that we have to date the first rise of the Sabbatarian superstition, and it is remarkable that the great names of the era—those of whom we are accustomed to speak as the Fathers of the Reformation—were entirely opposed to the principles of Sabbatarianism. Crammer, in his Catechism, which was published in 1548, says—

"And here note, good children, that the Jews, in the Old Testament, were commanded to keep the Sabbath day, and they observed every seventh day, called the Sabbath, or Saturday. But we Christian men, in the New Testament, are not bound to such Commandments of Moses' law concerning differences of times, days, and meats."

Calvin, again, denies it with more than his ordinary violence, and declares that those who now cling to them go thrice as far as the Jews themselves in their gross and carnal superstition of Sabbath worship. Luther, moreover, is no less emphatic. He declares of the Sabbath, or Sunday, in speaking of the Ten Commandments, that there is no necessity for its observance, and if anyone insists on these observances as a religious obligation, he adds—

"Then I order you to work on it, to ride on it, to dance on it, to feast on it; to do anything that shall reproach this encroachment on the Christian spirit and liberty."

And now I shall ask the House to allow me to read one more extract as an authority against the Sabbatarian principle from a modern divine, and one, I believe, held in considerable reverence and repute. I allude to the Rev. James Cranbrook, of Edinburgh—this opinion of his alone would really be sufficient for my purpose, which is no more than to show that the views which I hold can be honestly held by intelligent and religious men, and notably by clergymen of the Church of England, in order to demand the entire right of private judgment. He says—

"The Scriptural argument is as clear as any argument can be, and it is directly and absolutely against the Sabbatarians. The whole spirit and genius of Christianity, as taught by Paul, as well as the special texts, are directly and diametrically opposed to the conceptions upon which the law of the Sabbath is founded. The writer of the epistles ascribed to Paul, could no more have fallen in with the notion of keeping the Sabbath as modern divines insisted upon its being kept, than he could have consented to

perpetuate the Jewish sacrifices. They who insist upon the Sabbath laws, are undoubtedly hostile to the spirit and religion of Paul."

It is further worthy of remark, that even at the times to which I have been referring—in the 16th and 17th centuries—Sabbatarianism was neither customary nor legal in this country. In the year 1599 (Elizabeth) one Dr. Bounds published *A Book of the Sabbath*, maintaining the divine obligation in 11 theses. This book was presented to the Lord Chief Justice Popham, at the Assizes at Bury St. Edmund's, as teaching doctrine contrary to law and to the Church. He gave judgment that—"The Sabbath doctrine agreed neither with the laws of the Realm nor with the doctrines of the Church," and condemned Dr. Bounds for publishing it. It must be remembered, also, that this Sabbatarian heresy neither is, nor was, at any time the creed of Christendom, nor even of Protestant Christendom. It settled in its fullest virulence in Great Britain, and especially in Great Britain north of the Tweed, and in the New England States of America. And what a thing it was where it settled in its fullest virulence. It was a system under which intelligence, morality, and natural affections were offered up on the altar of an austere superstition. I have before me a draft—said to be by J. Cotton, a Puritan minister—of the laws of Massachusetts on this subject. Under them nothing could legally be done upon the Sunday, nor work, nor travelling, nor sports, nor recreations. No one was allowed to run, or walk in his garden or elsewhere, except reverently to and from meeting. It was forbidden to travel, or cook victuals, to make beds, sweep house, cut hair, or shave; no mother was allowed to kiss her child, and no wife her husband, and the penalty for this offence was first a forfeit of 40s., or be publicly whipped; but if it was done presumptuously, the person or persons would be put to death, or otherwise severely punished, at the discretion of the Court. But, it may be said, why refer to these times, when the spirit of the institution is so much changed and moderated, and no more exists in its fullest vigour than does the Inquisition. Sir, I am unable altogether to take that view of it. The spirit of Sabbatarianism is now, as it has always been, tyrannous, intolerant, and aggressive. It is continually seek-

ing to cut off the innocent enjoyments and intellectual recreation of the people of this country, as well as to put society in general to all sorts of needless inconveniences, by stopping, especially on Sundays, omnibuses and railways, and postal and telegraphic means of communication; and I confess, in my opinion, it is high time we put a stop to all legal recognition and enforcement of Sabbatarian views, for those who hold them are not content even with powers they now have, but are continually endeavouring to increase them. I have said that they are seeking to stop railways and steamboats, and such means of communication; but I might go much further, for it seems doubtful whether, if no stop be put to their exactions—in Scotland, at any rate—people will be long allowed to walk upon a Sunday. That I may not be thought in any way to exaggerate, I will ask the House to allow me to read a few words uttered at the last meeting of the General Assembly of the Free Church, and spoken, be it remembered, by two of the most free-thinking and moderate gentlemen who took part in the discussion. Major Ross, elder of Aberdeen, said—

"In regard to walking on the Sabbath, that was a point which he thought they ought to approach with great circumspection and care in the Assembly. He would say that there must be some substitute devised. He did not defend Sabbath walking, but there were many persons with whom it was a fault of the heart, and they must get something to put in substitution for it before they actually went and said to those persons, 'You must not do that.'"

Dr. Thomas Smith said—

"To walking on Sunday he confessed that he could not set himself in absolute opposition; but the gathering in the meadows, for example, of people who had no family relationship to each other made the scene one, if not of riot exactly, at least of merriment."

Awful consummation! The Earl of Shaftesbury, who appears to have taken upon himself the leadership of the opposition to my Motion, seems to have found himself when north of the Tweed upon this question, a heretic and latitudinarian, if not a blasphemer. In a speech there, in a sudden effusion of poetry, he declared that nothing gave him more satisfaction than to see the working men and their wives and children walking out in the fields on Sunday, and "disporting themselves under the canopy of heaven." Now, disporting themselves under the canopy of

bauchery or drunkenness, and that he has never seen more order or quietness in his own country on a Sunday, and yet he shall no sooner be landed in his own island home than on the first opportunity he will again begin to talk about the immorality of the Continental Sunday. But what of the immorality of Sabbatarian England, and especially of super-Sabbatarian Scotland? A proposition was lately made to start steamers from the Broomielaw on Sunday, which was of course denounced as intended to introduce Continental immorality. On this *The Scotch Reformers Gazette* makes the following remarks:—

“We doubt if there be more immorality in any city on the Continent than just in this city of Glasgow itself, where (thanks to the Puritans) the people are excluded on Sunday from even the Botanical Gardens, and shut up like so many dogs in their kennels, or driven to dens of a far more degrading character, until it is time to re-commence their work at 6 o'clock on Monday morning.”

Yes; but what says the late Dr. Guthrie on this subject. He was almost a fanatic for Sabbath observances, and his evidence, therefore, may be taken as at least above all suspicion. He says—

“We counted on one occasion (in Paris) 33 theatres and places of amusement open on the Sabbath day. And we met with many other things besides to make us almost say with Abraham, ‘The fear of God is not in this place.’ Yet although our avocation led us often through the worst parts of the city, and occasionally late in the evening in that city, containing then a population six times larger than Edinburgh, we saw but one drunken man, and no drunken woman. Well, we stepped from the steamer upon one of the London quays, and had not gone many paces when our national pride was humbled, and any Christianity we may have had was put to the blush by the disgusting spectacle of drunkards reeling along the streets, and filling the air with horrid imprecations. In one hour we saw in London and in Edinburgh, with all her churches and schools, and piety, more drunkenness than we saw in five long months in guilty Paris.”

When this is all that Sabbatarianism *plus* Forbes Mackenzie, can do for Scotland, is it not time to leave off talking about the immorality of the Continental Sunday? And now, Sir, I am glad to be free from the religious side of the question. Upon a secular ground there can be no need for me to prove the advantage to the population of the proposition which I make to the House. No one denies—my hon. Friend himself will not deny—the useful and elevating influence upon the mind for six days in the week, quite apart from the question of the

sanctity of the Sunday. In his very Motion he expresses his desire to give every facility for extending these advantages to the people on the working days of the week, unfortunately the very days on which it is impossible for them to avail themselves of those advantages. But, in fact, the intellectual advantage of such opportunities and their purifying and elevating tendencies are not only not a ground with the true Sabbatarian for opening these places on the Sunday, they are the very ground upon which they would most deprecate this liberty. The House will be almost inclined to think I am exaggerating if I do not give evidence of the statement I have made. I find in an address at a meeting of the clergy of the archdeaconry of London, in the year 1852, the following passage in an address moved by Archdeacon Hale, and carried unanimously:—

“It is not, however, the gigantic character of the preparations which are making to draw myriads of people to one spot on the Lord's day, which fills us with apprehensions of the demoralizing effects of such an assemblage, but rather the intellectual character of the pursuits which we fear will there be offered to the public, and which however they may refine the mind, teach nothing which relates to the Christian religion.”

That is to say, in the opinion of these worthy clergymen, the intelligence may be cultivated and the mind purified and elevated, and yet no step be made of approximation to their religion. Well, I say, so much the worse for their religion. Sir, to those to whom religion is not merely a bundle of dry dogmas, but the highest outcome and best fruit of the highest culture and intellectual advances that humanity is capable of, I may be excused for answering such stuff as this by a perversion of the well-known words of Madame Roland—“Oh, religion! what blasphemy is uttered in thy name.” But I must go one step further. Mere abstinence from ordinary toil, without any substitute or other employment, or relaxation or interest, is not in the true sense of the word rest at all, still less a recreation. It is inactivity and apathy, and I am inclined to think is actually more likely to produce a dangerous condition of immorality than is participation in the lower and more sensual indulgence at the beer-house or the gin shop. I have before me a terrible illustration of the truth of this in a pamphlet written

by a clergyman of the Church of England, and entitled, *The Unity of the Faith among all Nations*. It is as follows:—

"One vicar of a parish containing over one hundred young unmarried women, told me with painful emotion, that he could not point to one among them of whom he could feel sure that she had not lost her virginity."

And a medical man speaking of the immense number of illegitimate children born in the villages around him, added this sad statement—that more of the acts which lead to such births are committed on Sundays than on all the other days of the week taken together. It has been suggested to me, why not ask for a Committee as the ordinary and established mode for bringing together and classifying the facts and opinions of the country upon the subject? But, Sir, that has been done long ago. All the information that could be obtained from a Committee was obtained 20 years ago. It was a Committee not specifically appointed in regard to the Sunday question, but on public-houses; and the House will be inclined to pay some respect to its decision when I name the Members of whom it was composed:—Mr. William Brown, the Judge Advocate, Sir George Goodman, Sir George Grey, the Earl of March, Sir John Pakington, Mr. Beckett, Mr. Barrow, Mr. Grigson, Lord Dudley Stuart, Lord Ernest Bruce, Mr. Packe, Mr. Sotherton, Mr. Lowe, Mr. Ker Seymour. In its Report occurs this striking passage—

"The system that suffers the singing saloons of Manchester and Liverpool and Cremorne, and the Eagle Tavern Gardens to be open on Sundays, and shuts in face of all but the proprietors and those who can have free admission, the Gardens of the Zoological Society, and the vast and varied school of ocular instruction provided within the grounds and building of the Crystal Palace is scarcely consistent. But there are other places of public instruction, the complete closing of which, throughout the Sunday, seems to your Committee still less excusable. The National Gallery, the British and Geological Museums, the Exhibitions at Marlborough and Gore House, and other places of public instruction are paid for by the nation, and it does not seem to your Committee reasonable that these places should be closed upon the only day that it is possible for the majority of the population to visit them without serious loss."

And now for the arguments that I know will be urged against me. It will be said that by the very necessity of the case, the opening of these institutions will compel some people to work upon the Sunday. I confess, Sir, that this

seems to me an argument only adopted after the religious basis of Sabbatarianism is felt to be undermined. In the first place, I may observe in the words of the Report of the Committee to which I have just alluded, that—

"There are numbers of persons who, if it were open to them, would gladly at a moderate remuneration volunteer their services for the Sunday after 1 o'clock, the hour at which it is supposed that all such places shall be opened, and your Committee are not aware of any serious difficulty, in the way of a register of persons so willing to serve, being kept at the several institutions, or of such persons attending for a time as probationers in order to make themselves thoroughly conversant with the requisite duties, and it would not then even be needful that the same persons should attend on consecutive Sundays."

I shall not myself put much weight to this answer to the objection. In order that the majority may rest upon the Sunday it is absolutely essential that a few should work; and the difference between me and the Sabbatarians upon this point only is, that while they would deliver over to endless labour those whom necessity prevents from having a day of rest on the Sunday, I, on the other hand, would, by the arrangement of a system of relays, provide that for the whole population there should be an occasional interval of rest. Mr. Cole declared that, as regarded Kensington Galleries, he would require but four men, and no more, in addition to those necessarily employed. But I must ask the House, what will be the feeling of the working classes of this country, if they learn that the House refuses their demand upon the ground that it will necessarily involve the labour of some? Will they not say that the only just test in this matter is, that the employment of the fewest possible workers on Sunday will enfranchise and give rest and recreation to the largest number? Now, it is obvious in regard to public convalescences and public institutions the test is satisfied. The minimum of labour procures a maximum of recreation. But how is it with regard to our honourable House? How many men and women are there who have to labour every Sunday for our comfort, our enjoyment, and our luxury?—at a low estimate three or four per head—a number that would suffice to open every museum and library in the country. It is said that a large number of cabs would be employed. Sir, I do not think the classes who would

pour into museums and libraries on Sundays are mostly those who would employ cabs; but I remember not long ago there was a deputation to the Bishop of London, which stated that there were 24,000 cabs employed every Sunday in conveying persons to church or chapel. I never heard a proposition that churches and chapels should be closed on that account. Perhaps, however, it may be said that the attendance at these places is a work of piety or of necessity. This, I must say, is carrying class legislation into the affairs of another world. Why is the soul of a cabman to be imperilled, in order that the stout wife of the green-grocer may be enabled to place an item to the credit of her heavenly account? But in every part of our life the labour which affects the interest of the rich is taken as a matter of course. It is only when the interests of the poor come into question that religious scruples arise between them and their enjoyment. While I observe every Sunday—both here and at Brighton—numbers of men at work watering the roads, in order to prevent our houses and our clothing from being discoloured with dust, shall we refuse to open these institutions to the people, which may prevent the clogging of their minds and souls with a deeper and more dangerous dust. But, then, it is urged that if we take this first step, Sunday will become not a day of rest and recreation, but a day of work and labour—that our factories will be opened, and that no difference will be seen between Sunday and the week day. Sir, I hold any such fear to be absolutely fanciful. Does anyone believe that the great working classes of this country, who have just—without any assistance from the Legislature—compelled their employers to acquiesce in the nine hours' working day, will be persuaded or coerced into giving up their precious day of rest? But I must here say, most emphatically for myself and for all those pressing this question, that we are as absolutely in favour of a periodical day of rest for the whole community as anyone can by any possibility be. We agree with Lord Lytton, when he said—"Some must work that others may rest; universal rest is universal stagnation." I have alluded to the principle of relays, and of the arrangements by which periodical rest for all would be secured; and this is, in

fact, the principle which we have recognized and carried out in regard to the Jews. And I am here to-night to plead for the right of religious liberty on the part of the Christians of this country, which has already been given to the Jews. I deny that the relaxations which I propose for Sunday are likely to be the first step towards universal labour on that day. But if there were anything in the argument, it is now too late to urge it. The thin end of the wedge has long been driven in, and the question only is, what reasonable line should now be drawn? Why, Sir, we have opened the museums and gardens at Kew; why not the British Museum? We have opened the picture gallery at Hampton Court and Greenwich Hospital; why not open the National Gallery? We have the Brighton Aquarium open; why not open the Zoological Gardens? My hon. Friend will have to prove, when he comes to reply, why he thinks an octopus more sacred than a monkey. But, Sir, I have more remarkable instances in the public institutions of Dublin. The Glassnevie Botanical Gardens have been opened for some years, but more astounding still, have been opened by direct compulsion of the Government put upon the directors. They are partly supported by an annual grant, and under the threat of the withdrawal of that assistance, the grounds were compelled by the Government of the day to be opened on Sunday. There have since been opened voluntarily all the national museums and squares in Dublin, and the result has been entirely satisfactory. The visitors to the Botanical Gardens on a Sunday are more than three times the number of those on all the other days of the week put together, and in the Zoological Gardens the same proportions prevail; while the visitors to the National Gallery are nearly ten times the number of those on all the other days of the week. The Library and Art Gallery at Birmingham have also been opened with the same excellent result. I regret extremely the unavoidable absence of my hon. Friend the Member for Birmingham (Mr. Dixon), who would have supported me to-night. [The hon. Gentleman then quoted from a letter from Mr. Jesse Collings, a member of the Birmingham Town Council, who stated that the opening of the Art Gallery and Free Library continued to be a great

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success, and the doubts and fears of their opponents had never been realized. All opposition to the movement seemed to have died away. The Library was generally crowded on Sunday evening, and the utmost order prevailed. About 18,000 persons had visited the Art Gallery during the year ending March 31st. The writer spoke of the pleasure which working men and their wives evinced while visiting the Art Gallery, and said although there was but one attendant, no case of damage had occurred. There was no doubt the opening of these institutions had advanced the best interests of the people, and it was too bad that prejudice or bigotry should be allowed any longer to prevent the inhabitants of other towns from enjoying similar advantages. The hon. Member then proceeded to quote the opinion of the metropolitan magistrates, as follows.] J. Hardwick, Esq., said—

“I would let all places of innocent recreation be opened on Sunday. I think the effect would be to diminish drunkenness. If you provide good objects, less of pernicious stimulants will be required.”

Mr. G. Long, Marylebone, said—

“Encourage the people to take innocent recreation on Sunday, and you will confer a great benefit on society: in proportion as you give people better taste, they will relinquish low sensualities.”

Sir Richard Mayne, a Chief Commissioner of Police, said—

“No disorder arises from persons going forth to places of innocent recreation, nor in the town afterwards. I should fear no disorder if the Crystal Palace or the museums were opened. . . . Richmond Park, Hampton Court Palace and Grounds, the Gardens at Kew, and Bushy Park have attracted large numbers on the summer Sundays, but I have not increased the number of police in those places.”

The following is the extraordinary testimony of Sir Joseph Paxton—

“The park at Chatsworth had been open to the public for about 100 years. About 1844 it was closed, and the people spent their time at the public-houses, and created great disturbance. The park was opened again, and such scenes ceased: two men are all that are required to look after them. There would be less labour done on Sunday if museums and the Crystal Palace were opened, as the number employed at public-houses would be greatly diminished.”

The Lord Lieutenant of Ireland had also spoken in the highest terms of the good conduct of the people who had visited the Zoological Gardens in Dublin. And now, in conclusion, I must ask the House, is it consistent with statesman-

ship or with decency that for the multitudinous population of this great City there should be but one class of amusement and recreation open on the Sunday—the gin palace? I do not say this as an advocate for the closing of those places on a Sunday. I am no believer in what has been termed grand maternal legislation, but I would not leave such places open alone. I would place by the side of them such institutions as would afford opportunities for higher and purer gratifications. I do say that the result which follows from our confusion of two opposite systems of government—the *laissez faire* and the paternal—which in regard to beer-shops and gin palaces lets *laissez faire* rule, and says—“They shall be opened on Sundays;” while, in regard to museums and libraries, says—“here paternal government shall interfere, and the people shall be shut out from all higher and more improving recreations.” I say the result of these two principles, thus illustrated can only be termed one of fatuous insecurity, in regard to which I know not whether those who come after us will feel most amazement or indignation. Upon this point I shall ask the House to permit me to give one more extract, and it shall be the last. It is from the speech of a statesman perhaps more universally esteemed for his judgment and moderation than any other man in the country—I mean the present Lord Derby. He said—

“There was time on Sunday both for religious worship and for innocent recreation. There need not be any competition between the Church and Museums. He hoped between the museums and the public-house there would be much competition. Of this they might be assured—that if they attempted to legislate in their present temper, if they continued old restrictions and created new ones they would make religion unpopular, and throw back education. The clergy would gain nothing, the people would lose much; but one class he admitted would thank them for their efforts. They would have swelled the profits and gladdened the hearts of every brewer, distiller, and publican in the United Kingdom.”

And now, Sir, thanking the House for the great latitude they have permitted me, I end as I began, by an appeal to them to view the justice of the cause, and not to let it suffer by the shortcomings of its humble advocate. I appeal to the House to do this good thing to-night. It is often said that we are more given to eloquent talk than to use-

ful actions. We have, at any rate, to-night, an opportunity of reversing that opinion. There is no need for second readings and third readings, and appeals to another House: a mere vote of the House to-night will be effective in loosing the hands of willing directors and sympathetic trustees. I appeal to the House once more to do this good thing. I am not going to draw any enthusiastic pictures of gin shops closed and churches filled, or of any sudden millennium, as the result of the adoption of this Resolution; but this I do say, in the full belief in its unexaggerated truthfulness, that we can by such a vote give at once to thousands and tens of thousands of the people of this great City alone, new life, new objects, greater opportunities of cultivating their intelligence, and lifting themselves in the scale of being. There are thousands and tens of thousands more to whom the advantage would be perhaps less marked, if not less important — those who are trembling in the balance between good and evil, who are at present absorbed upon their only day of rest in the coarse and sensual enjoyment afforded by the gin palace, but many of whom if offered the choice of something better would gradually shake off their lower associations, and improve alike their minds and hearts. I do entreat the House to call down upon our heads the blessings of those not unimportant classes. I make an especial appeal also to the Government, and I venture to throw upon them the responsibility which I have expressed as pressing upon myself. The question lies absolutely at this moment within their control. A word from them, and my Resolution would be carried by a triumphant majority. The Government does not profess to be intending to promote questions of organic reform, but rather to confine itself to questions embracing the social and sanitary improvement of the people. I ask them what measure can more tend to the social and sanitary improvement of the people than the passing of the Resolution which I have the honour to propose? I make, then, this appeal finally to the House and to the Government, and I ask this boon of them in the name of common sense and common justice, in the interests of intelligence and morality, and not less emphatically in the interests of religion itself.

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Motion made, and Question proposed.

"That, in the opinion of this House, it is desirable to give greater facilities for recreation of a moral and intellectual character by permitting the opening of Museums, Libraries, and similar institutions on Sunday."—(*Mr. P. A. Taylor.*)

MR. W. S. ALLEN: Sir, in rising to move the Amendment of which I have given Notice—

"That this House, while of opinion all possible facilities should be afforded for the moral and intellectual recreation of the people by opening Museums, Libraries, and similar institutions on week-days, and where safe and practicable, on week day evenings, considers it undesirable that any change should be made in the existing arrangements for closing them on Sundays."

I must ask for the same fair and candid hearing as has been given to the hon. Member for Leicester; especially as a great portion of his speech has been a direct personal appeal to me, and a challenge to me to answer his arguments. And I am very glad to find I have a much easier task than I anticipated, both as to answering his arguments and refuting his facts. Now, I moved my Amendment because I was anxious that his Motion should not be met by a simple negative, but that this House, while distinctly declining to consider the principle of Sunday opening, should at the same time clearly and decisively express its opinion that on week-days and week-day evenings all possible facilities should be given to the people for the inspection of our museums and galleries. Now the hon. Member alluded to the fact that it was 18 years since a division had been taken in this House on a similar Motion, and he stated that there had been a great change in the opinion of the country since then; but he forgot to tell us, as he might have done, that when he was about to bring forward his Motion on this subject last year, so great was the interest the House felt in it, and so strongly did his friends rally round him, that the House was counted out, less than 30 Members being present. The hon. Member says his demand is a very moderate one. Why, when the late hon. Member for Galway (Mr. W. H. Gregory) brought forward his Motion in 1869, he only asked that the British Museum, National Gallery, and two other institutions might be opened, but the hon. Member for Leicester asks that this House shall

broadly affirm the principle that all museums, and galleries, and libraries, both in London and in every other town in the Kingdom, should be opened on the Lord's Day, a demand so excessive and so opposed to the wishes of the country that I am sure this House will pause before it grants it. The hon. Member stated in his speech that "the great majority of the cultured and educated persons in the Kingdom" were in favour of his Motion, and he also told us the "great bulk of the working classes were;" and in proof of the correctness of his statement he mentioned his own recent election for Leicester. Well, what are the facts of the case as to his re-election for Leicester? He was re-elected, not on account of his views on the Sunday question, but in spite of them. I know some of the hon. Member's constituents, and they one and all tell me they deeply regret the part he has taken on this subject. The truth is, the hon. Member having represented Leicester for some years, the people of Leicester, admiring his many virtues, and charmed with his engaging qualities, forgive his sins on this question; but in order to neutralize his vote and render him harmless, they give him a Colleague of opposite views; so that while on all other great questions the two Members for Leicester will go into the same Lobby, on this question alone they will go into different Lobbies. But the hon. Member says the working men of London are for it, and he produced a list of trades' unions and workshops which had petitioned for it. I grant that a number of the working men are for his Motion, but I most distinctly deny that the majority of them are. His supporters among the workmen of London are almost entirely drawn from three classes—foreigners, secularists, and Republicans. There are in London some thousands of foreign workmen, and these men, not having been accustomed in their own countries to anything like a strict observance of the Sabbath, very naturally wish for all kinds of amusement on that day; but I altogether dispute their right to dictate to Englishmen as to the way in which we shall keep our day of rest. There are also in London a number of working men who are secularists, disciples of Mr. Bradlaugh and Mr. Holyoake; and these men, holding extreme sceptical views, and ridicul-

ing the very name of religion, are also in favour of Sunday being altogether devoted to amusement and pleasure. There are also a number of working men in this City who hold extreme political views, who are members of different Republican and advanced political clubs, and these men are for the most part in favour of the Motion of the hon. Member. But out of these three classes I maintain that the hon. Member has very few supporters either among the working men of London or of the rest of the country; because they believe his views to be wrong, and because they shrewdly guess that if they once devote their Sundays to play they will soon have to devote them to work. The hon. Member brought forward a list of trade unions which were, he said, in favour of his Motion. But the fact of the matter is, those very trades' unions are precluded by their rules from discussing "any religious or political question," so that in reality no fair vote had been taken at a regular meeting. And besides, in that list there is only one large association represented, and that one is easily accounted for, because Dr. Baxter Langley is its chairman, and his influence in it is predominant. The hon. Member also brought forward a list of some 20 workshops in which the majority of the men were favourable to his Motion. Why, we all know that in a great City like this, with 3,000,000 of inhabitants, with hundreds of thousands of artisans, and containing some thousands of workshops, it is easy to pick out a few workshops in which the majority of the men might hold the most extreme views on any conceivable subject. But it is not enough for the hon. Member to say "these few small trades' unions and these few workshops are on my side," in order to prove that the majority of the working classes are with him. On the contrary, tried by the test of public meetings, and tried by the test of Petitions, we most emphatically assert that the great majority of them are with us on this question; and that only a very small percentage are with him. Now as to public meetings, the Sunday League held four at the East of London the winter before last, and what was the result? They were out-voted at two of them. But, on the other hand, eight public meetings were held in the East of London under the auspices of the

East London Sunday Rest Association, and at each of these, by large majorities, resolutions against the Sunday opening of museums were carried. 25 other public meetings were also called by the Working Men's Lord's Day Rest Association, and at every one of these, by very large majorities, similar resolutions were carried. During the last three years, 300 lectures have been also given on this question in different parts of the metropolis, many of which have been free, and at not one of these have the friends of Sunday closing been out-voted; and at the majority of them the feeling has been unanimous in favour of keeping museums and such institutions closed on the Lord's Day. In fact, tried by the test of public meetings, there cannot be a doubt but that the feeling of the vast majority of the working classes in London is opposed to the views of the hon. Member. Then as to Petitions. Last year, Petitions signed by more than 130,000 were presented against the hon. Member's Motion; and Petitions in favour of it signed by only about 6,000. But the hon. Member has just sneered at the way in which our Petitions are got up. "Young girls," he says, "go about with them, and get the same persons to sign several times." I think the less he says on this point, the better. Has he forgotten that in 1869 the men employed by his friends of the Sunday League found such difficulty in getting any one to sign their Petitions, that they actually resorted to the device of fabricating signatures in order to impose on this House and deceive the country? And it is a noticeable fact that in the East of London no less than 90 per cent of the working classes, who were asked to sign our Petition, gladly did so; and no fewer than 40,000 signatures were obtained in that locality alone. Only to-day I presented a Petition, signed by a large number of the *employés* of the Great Western Railway, in opposition to the Motion of the hon. Member. These men, unfortunately, know what Sunday work is, and believing that his Motion would, ultimately, vastly increase it, they are determined to oppose it. In fact, there can be no question that the great majority of the working classes of the country are opposed to the hon. Member's Motion, because it is contrary to their sense of what is right, and because they look with just suspicion on

any infringement of the integrity of the Sabbath as a day of rest. Then the hon. Member states that last year a Petition was presented, signed by 200 clergymen and ministers, in favour of his Motion; and I see the last report of the National Sunday League states that "nearly 200 clergymen of undoubted religious zeal" are favourable to their views. I confess, when I first heard this astonishing statement, I was somewhat amazed that "200 clergymen of undoubted religious zeal" should sign such a Petition; and also that the Committee of the Sunday League should condescend to seek assistance from "men of undoubted religious zeal" at all. But a glance at the Petition explained the matter. I see there the names of some half-dozen eminent men, with Dean Stanley at their head. But what does this show? It merely shows that in all large bodies of men, whether clergymen or laymen, you will always find a certain small percentage of men who, though they may be able and accomplished, will still hold peculiar views. We find it the case in this House. Among the 650 Members of which it is composed, there is one eminent man who holds peculiar views on the Tichborne case; and another, a Baronet, who sits below the Gangway, has peculiar views on the advantages of a Republic. But after taking these half-dozen eminent men of peculiar views out of the list, what do we find them? About twenty broad Churchmen of extreme views, almost bordering on scepticism; and about 30 extreme Ritualists—men who hold almost every dogma of the Roman Catholic faith. Then we find a number of Unitarian ministers, and it is well known the Unitarians do not hold strict views on the observance of the Sabbath. Then we find a number of deistical preachers, men whose "undoubted religious zeal" seems to consist in a desire to sap the foundations of all religion whatsoever. Then we find some very peculiar men indeed. There is "C. Coe, minister of the Great Meeting"—"J. Moden, missionary minister, Church of the Messiah"—"Goodwin Barmby, General of the Brotherhood of Faith;" and then we find some who, no doubt for prudential reasons, do not give any address at all. In fact, with some few exceptions, this list simply contains the eccentricities and peculiarities of every Church and creed in the Three Kingdoms; and

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yet it is trumpeted forth by the Sunday League as containing the names of "nearly 200 clergymen of undoubted religious zeal." Then the hon. Member made use of the old argument that closing museums and galleries on Sundays is class legislation—an assertion which is utterly without foundation, because their doors are closed equally against the rich and the poor. Then the hon. Member stated, in allusion to the magnificent generosity of Sir Richard Wallace, that the poor were defrauded of their right by the Bethnal Green Museum being closed on Sundays; whereas he might have had hundreds of carriages driving up to his own house at the West End, filled with wealthy people, every Sabbath to see them. Well, there was nothing to have prevented Sir Richard Wallace hiring a large room at the East End of London, and filling it with pictures, and then he might have had thousands of the poor every Sunday to see them; but, instead of doing that, he placed them in a public museum, and consequently was obliged to submit to the rules of that institution; but there is no class legislation in this. Then the hon. Member said we have no place of amusement open on the Sabbath but the gin palace. A very good reason for closing the gin palace; but none for opening museums and galleries. I think it is a scandal and a disgrace to us that the gin palaces should be open on the Lord's Day; and I deeply regret the fearful amount of drunkenness and misery caused by it; but the hon. Member has no right to charge the drunkenness and the misery which are caused by our legislation to the fact that our museums and galleries are not open also, and if the hon. Member thinks Sunday drinking such a terrible thing, how is it that he has never supported any Bills for closing public-houses on the Lord's Day? Where is his consistency in the matter? and if opening our museums and galleries would check drunkenness on Sundays, how is it that so many of the London publicans are in favour of it, for there is no place where we find the bills of the Sunday League so frequently displayed as in the gin palace windows. Are these patriotic and philanthropic men so desirous of selling less liquor, that they are asking the Sunday League to help them in the matter? The simple truth is, opening

our museums and galleries would not put a stop to Sunday drinking; it would only increase it. Sight-seeing is thirsty work. I grant you might somewhat diminish the number of customers in some public-houses in remote districts of London, but you would vastly increase the number in those in the neighbourhoods of your museums and galleries. In fact, in those localities a new crop of gin palaces and liquor-shops would spring up, which would be crowded by thousands who would resort to them tired and exhausted from the moral and intellectual recreation the hon. Member wishes to provide for them, so that you would only diminish drunkenness in some places vastly to increase it in others. Then the hon. Member tells us the "thin end of the wedge" argument has lost its force, because, by the opening of the Dublin and Birmingham Museums, the thin end of the wedge has been driven in. I admit the fact—and I deeply regret that the thin end of the wedge has been driven in—but, surely, that is no reason why we should not endeavour to prevent it being driven in any further. And, after all, there is a vast difference between a provincial museum being opened by the act of a town council, and this House, emphatically declaring its opinion, that all museums, galleries, and libraries throughout the Kingdom should be opened on Sunday. For if this House once affirms the principle that museums, galleries, and other institutions of a similar kind should be open on the Sabbath, I want to know where you are to stop. If this House once declares that the British Museum and the National Gallery should be opened, what possible argument can you bring against opening the Royal Academy, the Crystal Palace, and the Zoological Gardens also? If it is right to look at dead beasts in the Museum, surely it cannot be wrong to look at live beasts in the Zoological Gardens; and if it is right to look at the works of ancient masters in the National Gallery, it cannot be wrong to look at the works of modern masters in the Academy. And, on the same principle, you could not object to every public and private exhibition in the country being opened on the Sunday. And if it is right for your public and private exhibitions to be opened, how can you forbid the opening of the theatre and the opera, and the

music hall, and the dancing saloon? The truth is—and no persons know it better than the members of the National Sunday League—if you once begin you cannot stop. If you once concede the principle that it is right for any exhibition or place of amusement to be opened on Sunday, you must concede it to all. If you once sanction this inroad on the observance of the Sabbath, you cannot raise any barrier that will stem the tide of further demands; and the result will surely be that you will lose the peaceful quiet and rest of the English Sabbath, and have in its place the bustle, and noise, and work of a Parisian Sunday. And a very strong objection I have to the hon. Member's Motion is, that it will create a great deal of Sunday labour: it will force the *employés* at the places he proposes to open to work seven days instead of six. I grant this would only apply to a few at first; but, depend upon it, the evil would grow, and grow with a rapidity for which he is unprepared. And if, as I believe, the result of passing his Motion would be that all public and private places of amusement throughout the Kingdom would soon be opened on the Lord's Day, thousands of persons employed in them would soon be forced to work on Sunday just as on other days of the week. And the evil would not end here; for on the metropolitan railways, and on all other lines running into London and other large towns, you would have a large number of additional Sunday trains, bringing crowds of sight-seers to gaze on the amusements you throw open to them, and thus hundreds of railway servants would be defrauded of their day of rest. At least double the number of omnibuses would also be required, and also a great addition of Sunday cabs. In fact, you would soon have a fourth of your working population toiling on the Sabbath for the pleasure and amusement of the rest. And the mischief would not stop here, for unscrupulous masters would soon say to their workmen, If it is right for you to make others work for your pleasure on the Lord's Day, it must be right also for me to make you work for my profit. And if some masters did it, others, forced by competition, would soon be compelled to do the same; and the result would be, you would bring on the working classes the greatest curse and the greatest calamity which could

befall them—the loss of the rest of one day in seven. I know, as the hon. Member has told us, the Sunday League repudiate any design of turning Sunday into a day of work. But what does that mean? In plain English, it just amounts to this, that they do not mean to work themselves, but that they do intend to make others work for their pleasure and amusement. And, in arguing this question, we must not forget this great fact, that all countries which have given up the Sabbath for play, have ultimately had to devote it to work. The hon. Member alluded in terms of eulogy to the Continental Sabbath. I have seen a Parisian Sunday, and I confess I do not know a much sadder sight. There you see masons, carpenters, bricklayers, and all other labourers and artisans toiling away on the Sabbath, just as on all other days. I will just read to the hon. Member the opinion of Mr. Smiles on this point. Mr. Smiles, at any rate, is no fanatic, and understands the question, and he says—

"What the so-called friends of the working classes are aiming at in England has already been effected in France. The public museums and galleries are open on Sundays, but you look for the working people in vain. They are at work in the factories, whose chimneys are smoking as usual, or building houses, or working in the fields, or they are engaged in the various departments of labour."

These are striking words, and I commend them to the attention of the hon. Member and his Friends. The hon. Member alluded to the gloom and misery of a Sabbath north of the Tweed. I would ask him how it is that we find Scotchmen coming to the front and occupying positions of importance and responsibility all over the world if their strict observance of the Lord's Day has had such an injurious and demoralizing effect upon them. On the contrary, no man can doubt but that the strict manner in which the Scotch have observed the Lord's Day has had much to do with forming the stability and perseverance of their national character. The fact is, this Motion, disguise it as you may, is a blow aimed at the institution of the Sabbath, and an attempt to divert it from those great objects of rest from toil, and consideration of the future, for which it was set apart by the Creator. I really feel that in this House, in an assembly of the Representatives of a great Chris-

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tian people, it is unnecessary for me to defend the institution of the Sabbath, or to attempt to show its priceless value, both in a secular and a religious point of view. Even in a secular point of view its value is incalculable, for it is an admitted fact that continuous bodily or mental labour, unbroken by the rest of one day in seven, is most injurious to health, and rapidly leads to premature decay. And from a religious point of view the value of the Sabbath is altogether priceless; and in arguing this question it is impossible to ignore the religious aspect of the case; and if it be true that man is immortal, if it be true that he has a life before him to which the present is less than a drop to the ocean, is it too much to give him one day in seven for the consideration of that solemn future which is before him, and for the worship of his great Creator? Before I sit down, may I marshal before the House the forces which are arrayed on either side on this question? On the side of the hon. Member for Leicester are 200 clergymen and ministers of peculiar views, the foreign workmen of London, the different Republican and infidel clubs, the members of the National Sunday League, and the secularists, and deists, and atheists of this metropolis and our other large towns. On our side, on the other hand, are ranged 19-20ths of the clergy of the Church of England, 9-10ths of the 2,600 Congregationalist ministers of this country, and 19-20ths of those of the Baptist churches. The 1,400 ministers of the Wesleyan Methodist body are with us to a man, and so are the 900 ministers of the Primitive Methodists, and so, I believe, are those of the Free Methodists. There are also more than 100,000 Sunday-school teachers in the Kingdom, and we have more than 95 per cent of these on our side. You cannot justly sneer at and despise the views of these two classes, ministers of religion and Sunday-school teachers, on a question like this, because there are no two classes more fully acquainted with the wants and requirements of our people, or who labour more unceasingly for their good. In fact, the whole religious thought of the country, with some few miserable exceptions, is with us, and on a religious question like this that fact alone should be decisive. I would appeal to the Government to speak out on this question,

and I confess, so far as it is concerned, I am glad they are in power, for I have more confidence in them on this question than in some gentlemen who used to sit on the seat they now occupy. Last month a deputation of the hon. Member's Friends waited on the Duke of Richmond, and they had the good taste to express a hope that it would not be necessary for them to "organize processions through the streets, to assemble in Hyde Park in their thousands, on a Sunday, as a demonstration." What is the meaning of this language addressed to a Member of Her Majesty's Government? It is just a threat that if the wishes of the Sunday League are not gratified, they will attempt to over-awe the Government and this House by a display of physical force. Sir, as a reply to that threat, I would earnestly appeal to this House, composed as it is of the Representatives of a great Christian people—of a people to millions of whom the name of religion is dear, and the Sabbath prized as a boon of priceless value, to reject this Motion of the hon. Member for Leicester, and to reject it by such a large and crushing majority as, during this Parliament at least, shall put an end to all further attempts to tamper with the integrity of the English Sabbath. I beg to move the Amendment which stands in my name.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, while of opinion that all possible facilities should be afforded for the moral and intellectual recreation of the people by opening Museums, Libraries, and similar institutions on week-days, and where safe and practicable, on week-day evenings, considers it undesirable that any change should be made in the existing arrangements for closing them on Sundays."—*(Mr. Allen.)*

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. A. M'ARTHUR: I rise to second the Amendment of my hon. Friend the Member for Newcastle-under-Lyme. Sir, I much regret being under the necessity of differing from my hon. Friend and Colleague (Mr. Taylor), but he is aware we differed upon this important question when addressing our constituents, and he will not be surprised to find that I now feel it my duty to

oppose the Motion which he has submitted to the House. Sir, my hon. Friend has deservedly acquired the reputation of being a friend of the working classes, and I doubt not that he and those who give him their support on this occasion are influenced by pure motives, and honestly believe the opening of museums, public libraries, and similar institutions on Sundays would benefit working men and be a boon to the masses. I hope, however widely I and others who intend to oppose the Motion may differ from him with regard to the best means for accomplishing the object he has in view, that he will give us credit for equally pure motives, and for an equally sincere and earnest desire to promote the best interests of those whom he is anxious to serve. Sir, I oppose this Motion because, while I admit it might gratify a few, and might even do some temporary good, yet my conviction is that it would ultimately be injurious to the masses, and I believe if there ever was a case in which working men should pray, "Save us from our friends," it might be well for them to offer up such a prayer now with reference to the well-meant, but I think most injudicious and injurious action, which my hon. Friend is taking in their behalf. Sir, if it were a simple question as to whether it would be better for men and women to spend a portion of their time on Sundays in public-houses or to spend it in museums, libraries, or picture galleries, there would, I apprehend, be no difference of opinion either in this House or throughout the country. But we must not take such a narrow and contracted view of the subject. On the contrary, I regard this as a great public question, in which the best interests of the nation, and especially the best interests of the working classes, are involved; because I hold that to rob working men of their Sunday would be one of the greatest injuries we could inflict upon them, and would be one of the greatest calamities that could possibly befall them. I am aware we may be told my hon. Friend has no such intention, and that carrying this Motion would have no such result. But I think the House will agree with me that it would be a step, and a long step, in that direction, for its direct and immediate effect would be to largely increase the amount of Sunday travelling, of Sunday traffic, and Sunday labour, and to de-

prive a correspondingly large number of men and women of the quiet and rest of the Sabbath, which they now enjoy, and would be most reluctant to be deprived of. I oppose the Motion, however, not merely on account of the extra labour it would entail upon many, but because it would ultimately have an injurious effect upon the best interests of every working man in the Kingdom. Sir, I presume most, if not all the Members of this House regard the Sabbath as a divinely-appointed institution, and believe that it was mercifully intended to promote man's spiritual, intellectual, social, and physical well-being. I shall not attempt to occupy the time of the House by dwelling upon the theological or religious aspect of the question, though I am far from regarding that as unimportant. Allow me, however, to say that Christianity has made us what we are as a nation—that Christianity and the Sabbath are inseparably connected, and that if we abolish the latter we shall soon have comparatively little of the former left worthy of the name. But apart from the religious view of the question, I think all experience proves that the social and moral advantages of the Sabbath are very great, and that without the rest of the seventh day, or of one-seventh of our time, physical health and vigour cannot be long preserved by man or beast. This is such a well-established fact that it will, I think, be disputed by few, and it certainly cannot be successfully disputed by any. In France during the latter part of last century, when infidelity prevailed to an alarming extent, when a determined effort was made to stamp out Christianity from the land, and when deeds of diabolical oppression, injustice, and cruelty were perpetrated in the name of liberty, yet even under such circumstances the necessity of a regular period for rest was recognized, and it was proposed to substitute a tenth for a seventh day of rest. This proposal would, doubtless, have proved a failure had there unhappily been sufficient time allowed to test the experiment. But, if faithfully carried out, it might, perhaps, have been better than the state of things existing at present in that unhappy country. For we all know that in Paris and many of the large cities and towns of France there is no proper observance of the Sabbath by the masses, either as a day of rest or

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religious observance. To those who can afford to do as they please, Sunday is a day of pleasure, of business, or perhaps, of both combined; and the counting-house, the race-course, and the theatre may all be visited. But to the poor who have to earn their bread by the sweat of their brow it is a day of labour and toil, and it is so to a greater or less extent to the business and mercantile classes also, for shops, warehouses, and public offices are open, and thousands of young men and women, who if they were living in this happy country would be permitted to breathe the pure air of Heaven, to attend places of worship, to visit their friends and relatives, or to spend the Sunday as they please, are there compelled to be at work as on other days. Sir, we mourn over the ills that have afflicted France, and we may attribute those evils to whatever causes we please; but I believe the utter disregard of the Sabbath has injured that country not only in its domestic relations, but also religiously, socially, and politically, and that it has seriously impaired the physical stamina of the labouring classes, and, indeed, of the nation, because, as I have already stated, health and strength cannot long be preserved under the pressure of incessant labour. Will the House permit me to give a comparatively recent illustration of the truth of this assertion? Some 10 or 12 years ago an expedition was organized in Australia for the purpose of exploring the interior of that island continent, a large portion of which was then unexplored. Every possible care was taken to make the expedition successful. Camels were imported, experienced bushmen were engaged, and able and energetic leaders or commanders were appointed. In due time the expedition started, full of hope, and accompanied by the best wishes of the colonists. The account of their wanderings is exceedingly interesting, but I must not occupy the time of the House by going into detail. It is sufficient for my purpose for me to state that after experiencing many difficulties and encountering some dangers, a few of them succeeded in crossing from Victoria to the Gulf of Carpentaria. They then retraced their steps to Cooper's Creek, where they expected to find assistance, and where they arrived in a state of great physical exhaustion, after having lost one of their number and some of

the animals. Unhappily, owing to some misunderstanding or mismanagement, they did not meet with those who were expected to afford them relief, and after much suffering and patient endurance the leaders of the party died, and only one man survived to tell the tale of their sufferings and preserve the journal which contained an account of their wanderings. Shortly afterwards another expedition was organized and started from the Gulf of Carpentaria, I believe partly with the view to assist those who had started from Melbourne, if necessary. Sir, I speak from memory, and cannot vouch for strict accuracy in details; but I believe I am correct in stating that the second expedition, to which I have just alluded passed through equally barren country, experienced similar difficulties and encountered similar dangers, yet the leader of that expedition accomplished the object he had in view, and brought both men and animals to Melbourne almost in as good condition as when they started. Now, it is possible he may have had more favourable weather, or been more favourably circumstanced in some respects. But in reading both accounts one cannot help being struck with the fact that the leader of the first party utterly ignored the Sabbath, and although he rested occasionally, there was no regular seventh day rest, while the leader of the second party made it a rule invariably to rest on Sundays, except on one or two occasions when want of water or some imperative necessity rendered it necessary for him to travel, and I have a strong conviction that had the brave and noble men who perished respected the Sunday and rested on each seventh day they might have lived to return to civilized society and to receive the congratulations of their friends. Sir, I also oppose this Motion, because, notwithstanding what my hon. Friend has said, I believe the great bulk of the working men of the Kingdom not only do not desire any alteration in the direction advocated by my hon. Friend, but are positively opposed to any such alteration. It is undoubtedly and unhappily true that comparatively few working men attend places of worship on Sundays. But however careless they may be about religious matters, they are intelligent enough to know that it is a great advantage to them to have a day of rest from their usual toil, and to have

one day in seven which they can emphatically call their own. They know also full well, notwithstanding all the plausible arguments to the contrary, that every encroachment on the Sunday is not an addition to, but an encroachment on their true liberty, and a step in the direction of seven days' work for six days' wages. Sir, I think my hon. Friend must be of a very sanguine disposition if he fancies that the superior attractions of museums and public libraries would allure men from public-houses. My impression is that very few, if any, of those who spend their money in drink would be reformed, or be in any way benefited, by our adoption of this Motion. But there is another and better class of men who would almost inevitably be greatly injured. I refer to men who care comparatively little about religion, but who are fond of domestic comfort, and who think it right to send their children to Sunday schools. I fear many men of this description would be induced to go with their wives and families to visit places of amusement. Of course there would be the attraction of the public-house or the refreshment stall, and men would be much more likely to indulge in intoxicating drinks than if they had remained at home; while their children, instead of receiving useful instruction in the Sunday schools, would be acquiring habits that might be ruinous to them and dangerous to society in after life. Sir, I have stated that I believe my hon. Friend is influenced by pure motives and benevolent intentions; and if he wants a field for his benevolent exertions he need not go far to find it, but he must turn completely round and travel in a directly opposite direction. Let him turn his attention to overworked railway officials, cabmen, omnibus and tram-car drivers and conductors, and endeavour to ameliorate their condition, and the condition of others who have no Sunday, and not impose upon them still heavier burdens, which carrying this Motion would inevitably be the means of doing. I was speaking to the conductor of a tram-car a few days ago, and he informed me that he was at work during 16 hours every week-day, and about 14 hours every Sunday. I understand omnibus men have equally hard work, and some of us have heard the answer of a cabman who, when spoken to about a better

world, replied—"It is all very well for the likes of you to try to get there, but you are driving us to —," another region, which it would, perhaps, be scarcely in accordance with Parliamentary propriety to describe more plainly. Sir, we have been accustomed to express our abhorrence and detestation of the serfdom of Russia, and the slavery of the Southern States of America, now happily things of the past; but I have no hesitation in saying that large numbers of the serfs of Russia, and of the slaves of America, had far less arduous toil, and certainly much less anxiety, than those to whom I have alluded, who are our fellow-subjects and citizens, and I believe that such a state of things in this Christian country is alike disgraceful to our civilization and to our Christianity, and yet my hon. Friend is endeavouring to aggravate this state of things. No. I beg to recall that observation. I believe he is too kind-hearted, generous, and benevolent to wish to do so; but I do firmly believe that such would be the effect of the course which he wishes to pursue. Sir, I do not advocate the ancient Jewish observance of the Sabbath, nor even the extreme strictly puritanical observance of the day referred to by my hon. Friend. I am aware that in the present state of society there are certain duties that must be performed, and a certain amount of work which must be done. But I think it is alike our interest and our duty to secularize the day as little as possible, and to avoid all unnecessary work involving additional labour on the working classes. In conclusion, may I be permitted to read a short extract from an essay upon the advantages of the Sabbath, written by a working man—

"Suppose the Sabbath were to be, by all people, consentaneously abolished; let the railway trains, as on other days, dart athwart the land; let the tide of commerce, unarrested, flow; let the hives of industry still swarm; let the clangour of machinery and the deafening roar of trade continue to resound; let the tramp of traffic still go on; let the greedy grasp their gains, and the slaves go groaning beneath their fetters; in short, let the contentious world proceed as at other times. And what would be the upshot of all this? Should we be the happier? the healthier? the freer? the richer? Would any one of the ends of our terrestrial existence be in any degree facilitated thereby? Would the selfishness of man, unchecked and unimproved, be less grinding or cruel? Would the oppressor be less tyrannical? Would any of the acknowledged evils of social ————

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one iota: Would the competitions, the rivalries, and the heartburnings of men be less crushing and ruinous? Alas, no. Every evil under which we now writhe would be aggravated; every carnal passion would then have full swing; every undamped lust would then burn with increased intensity; health would be prematurely blasted; the nobility of man would be annihilated; and the glorious energies of his immortal spirit would be hopelessly imprisoned. Mammon and Bacchus might continue to be diligently served; but God would be unworshipped! Mankind, thus ingloriously wedded to the world, would through all their lives grovel in the dust, and never devoutly raise their foreheads to the Temple of the Sky! . . .

Help, ye wearied children of Labour! Help, ye Christian ministers and philanthropists! Help, ye statesmen and legislators! Help, ye British patriots, whose hearts yearn for the welfare of your suffering kind! Help! that the most distant approach to such a state of things as we have just surmised may be prevented, and that the blessed advantages chartered by the Sabbath may be faithfully preserved and zealously extended."

Sir, I have now only to add that, on behalf of the Christianity which has made us what we are as a nation, on behalf of humanity, on behalf of temperance and sobriety, on behalf of good order, social enjoyment, and domestic happiness, on behalf of the education of the young, on behalf of tens of thousands of working men, and on behalf of everything that is pure and lovely and of good report, I oppose the Motion of my hon. Friend, and have pleasure in seconding the Amendment.

MR. BERESFORD HOPE said, that the line taken by the hon. Member for Leicester, who had brought forward this Motion, rendered it impossible for him to give a silent vote, introduced as it was in that tone of trenchant, boisterous jollity, with which the House was so familiar. The hon. Member had laid down that there were only two classes of people in the world—sour, austere, Judaic-minded Sabbatarians, and Christians—which meant those who voted for his Motion, though they might not believe in a single item of the Christian faith. He absolutely repudiated this distinction, and himself holding very strong anti-Sabbatarian views, was nevertheless unable to vote for the Motion. It was one which would, he believed, be productive of an amount of strife and ill-will incommensurate with any possible benefit. The words of this fragmentary Resolution were of the vaguest possible kind, without beginning and without end. It talked of opening the museums,

without definition or distinction between those in public and those in private hands. Would the proposal include Dr. Kahn's as well as the British Museum? He would, however, give a little common sense to the Resolution, by supposing that it contemplated the opening of our national galleries and museums for the benefit of classes who had already the means of healthful Sunday recreation in the Parks, at Kew, and elsewhere. Now, he thought there was, on principle, no more harm in looking at a picture on Sunday than in looking at a field. It was simply a matter of arrangement, which ought to be based on considerations of general advantage, and it should only be carried out, if at all, with popular assent. The scheme of the hon. Member fulfilled neither of these conditions, but would merely impose work upon a great many people whose Sundays were now free. A good many opportunities of Sunday recreation were now open, and he would not shut one of them; but the adoption of this Resolution would cause a great shock in many quarters, it would provoke a re-action, and throw us back upon the Puritan Sabbath, by checking the healthy development of that Christian Sunday which had root in England. It was in no spirit of insular self-sufficiency that he believed that the truest type of the Christian Lord's Day was to be found in the English Sunday of non-Sabbatarians. Their attention had been called to the extent to which artisans worked on the Continental Sunday; but there was another aspect of the matter not less worth notice—namely, the total absence of any idea of giving Sunday rest to the domestics in well-to-do Continental households. Looking, then, at the English Sunday, in comparison with the less satisfactory Sundays both of Scotland and of France, he very much feared wrecking it by a collision with either. He could not, moreover, disguise from himself the fact that among those who were prominent in promoting this movement were Secularists and Materialists, and others, which the Bill embodied, whose object was not to hallow religion by innocent recreation, but, on the contrary, to do what they could to undermine all religious obligations; and on this account, too, he should record his vote against the proposal.

Mr. LOCKE said, that before the House went to a division he was anxious to say a word or two on the remarks which had fallen from the hon. Gentleman who had just sat down. He said he was very much in favour of what the hon. Member for Leicester (Mr. Taylor) proposed. He admitted that there would be nothing very wrong in the opening of museums on Sundays, and that it would be a good thing for purposes of instruction; but he did not like the source from which it came. And that was nearly the only observation the hon. Member made. He sincerely hoped that if his hon. Friend the Member for Leicester should not be successful with his Motion, the hon. Member opposite (Mr. Beresford Hope) would bring forward the Motion himself hereafter. He had said everything he could in favour of it, and everything disagreeable concerning the hon. Gentleman who brought the Motion itself forward. He (Mr. Locke) submitted that it would be a good thing to place museums on the same footing with other institutions of a similar character which had been adverted to in the course of the debate. He thought that no argument whatever had been made out against the Motion. It had been admitted that the object was a desirable one in itself; but because religious people might not like it the people ought not to enjoy it. He thought this was a measure that ought to be carried out, and he should be glad if it received the sanction of Parliament.

Mr. M. J. STEWART said, he would trespass on the House for but a short period, in order to make one or two remarks on the speech of the hon. Member for Leicester. He could not remain comfortable in his place, after the expressions of the hon. Member in advancing what he conceived to be reasons for his Motion, without saying a few words respecting it. The hon. Member must have seen—from the fact that all speeches except the last were against him—that the general feeling of the House was against his Motion, and he believed the people of Scotland and of England were against it also. His opinion was that this question ought to be considered from a working-man's point of view—the only class which the hon. Member for Leicester proposed to benefit by his Motion. He (Mr. Stewart) had an intimate ac-

quaintance with the working classes, and he was convinced that if they could consult the people of this country they would have an almost unanimous verdict that instead of wishing museums and places of recreation open on Sunday, they wished that those places should be shut. It had been argued that the people of this country must be better educated; but the people of this country were never better educated than at present, and if they required better education, it was not by Sunday visiting of museums and National Galleries that they would get it. He very much doubted even if such places of recreation were to be thrown open on Sundays, the people would go inside them—they would keep their day of rest elsewhere. At this hour, he would not detain the House further; but he was perfectly convinced that it was not the wish of the people of Scotland nor of the people of England that these places should be open on the Sunday, and he believed that very few Members would show their agreement with the hon. Member by going into the same Lobby with him.

SIR CHARLES W. DILKE said, a few evenings ago he had asked why the Raphael Cartoons which had been open to view at Hampton Court could not be seen on Sundays, now that they had been removed to South Kensington Museum, and the Vice President of the Council had stated that the answer of the Government would be given in connection with the present debate. He begged to ask what it was.

MR. ASSHETON CROSS said, the House seemed so impatient for a division that there was no opportunity for any statement to be made on behalf of the Government.

Question put.

The House divided:—Ayes 68; Noes 271: Majority 203.

Words added.

Main Question, as amended, put, and agreed to.

Resolved, That this House, while of opinion that all possible facilities should be afforded for the moral and intellectual recreation of the people by opening Museums, Libraries, and similar institutions on week-days, and, where safe and practicable, on week-day evenings, considers it undesirable that any change should be made in the existing arrangements for closing them on Sundays.

REGISTRATION OF PARLIAMENTARY VOTERS (IRELAND).

MOTION FOR A SELECT COMMITTEE.

MR. MELDON moved that a Select Committee be appointed—

“To inquire into the expediency of amending the Law relating to the Registration of Parliamentary Voters in Ireland, with a view to facilitate the registration of persons entitled to the franchise, and to prevent frivolous objections; and to report thereon.”

The hon. Member said, that he had intended to introduce a Bill, but the Chief Secretary for Ireland had suggested to him that the House was not in possession of sufficient information to enable it to legislate on the subject, and therefore he had acceded to a proposal to refer the matter to a Select Committee. The necessity for such a measure as he contemplated was shown by the fact that every year some 4,000 persons who were returned on the lists prepared by the clerk of the union and the poor-rate collectors, as properly qualified persons in the county of Dublin, were disfranchised by objections, scattered broadcast, on the part of both Liberals and Conservatives. Again, in many parts of Ireland, a claimant for a vote had to travel many miles to get his name put on the register; whereas once there he would never have to travel more than four miles to give his vote. In order to obtain the franchise, a farmer or tradesman often, besides travelling a long distance, lost one or two days, incurred considerable expense, and possibly forfeited his employment. Hedged round with such difficulties as these, it was no wonder that such numbers of persons never obtained the benefit of the franchise. The Legislature ought to afford facilities to every person who was entitled to the franchise, to have, as well as to record, his vote. An enormous amount of labour was thrown on the poor-rate collectors in preparing the voting lists, and it was not to be expected that, without any remuneration, the work would be well done. He thought, therefore, the poor-rate collectors should be remunerated for their trouble. He then moved that a Select Committee be appointed, and concluded by expressing a hope that the Government would take up the subject and introduce a Bill upon it next Session.

SIR MICHAEL HICKS - BEACH said, he did not offer any objection to the appointment of a Committee, because registration was doubtless a complicated and difficult subject; and, looking to the statements that had been made by the hon. Member, he saw no harm in an inquiry into the existing system. He believed, however, there was much less evil caused by party objections in Ireland than elsewhere, as registration was there usually left more in the hands of the constituted authorities than in England. By acceding to the Motion of the hon. Gentleman, he did not wish to imply on the part of the Government that they necessarily admitted there was any fault to be found with the existing system of registration.

Motion agreed to.

Select Committee appointed, “to inquire into the expediency of amending the Law relating to the Registration of Parliamentary Voters in Ireland, with a view to facilitate the registration of persons entitled to the franchise, and to prevent frivolous objections; and to report thereon.”—(*Mr. Meldou.*)

And, on June 2, Committee nominated as follows:—**SIR MICHAEL HICKS-BEACH**, Mr. ATTORNEY GENERAL for IRELAND, Mr. D. PLUNKET, Colonel TAYLOR, Mr. MAXWELL CLOSE, Mr. MULHOLLAND, Mr. CHARLES LEWIS, Mr. KAVANAGH, Mr. MELDON, Mr. BUTT, Mr. WILLIAM SHAW, Mr. DOWNING, Mr. LAW, Mr. RICHARD SMYTH, and Mr. O'SHAUGHNESSY:—Power to send for persons, papers, and records; Five to be the quorum.

GREAT SOUTHERN OF INDIA AND CARNATIC RAILWAY COMPANIES (No. 2) BILL.—COMMITTEE.

THE CHANCELLOR OF THE EXCHEQUER (for **SIR CHARLES FORSTER**), moved—

“That this House will, To-morrow, resolve itself into a Committee to consider the expediency of authorising the Secretary of State in Council of India and the Companies to be amalgamated under the Bill, to carry into effect an Agreement which has been come to between the said Secretary of State and the said Companies, and which is scheduled to the Bill.”

MR. FAWCETT said, he had studied the Schedule to the Bill as carefully as possible. It consisted of 32 closely-printed pages, and he had no hesitation in saying that, so far as his comprehension went, it was one of the most intricate documents he had ever come across. It seemed to him that an arrangement had been entered into which might pro-

duce a very important effect upon the revenues of India, and therefore he thought it was only fair that he should beforehand tell the Minister who was responsible for this Bill that it would require very careful examination and close scrutiny before it passed the House.

MR. W. H. SMITH said, the hon. Member was probably aware that this was simply a Bill to amalgamate two companies which were already guaranteed by the Indian Government. The object was solely to do away with the cost of two separate establishments. No new guarantee of any kind was set up, nor was there any new demand on the revenue of India.

Motion agreed to.

Committee to consider the expediency of authorising the Secretary of State in Council of India and the Companies to be amalgamated under the Bill, to carry into effect an Agreement which has been come to between the said Secretary of State and the said Companies, and which is scheduled to the Bill, *To-morrow*.—*(Sir Charles Forster.)*

POOR RELIEF (IRELAND) BILL.

(Mr. O'Shaughnessy, Mr. Butt, Mr. Downings, Mr. Redmond, Mr. Browne.)

[BILL 57.] SECOND READING.

Order for Second Reading read.

MR. O'SHAUGHNESSY, in moving that the Bill be now read a second time, said, he wished the House to consider whether a system regarding divisional rating which had been found a failure in England, and which had been abolished in consequence, might not be replaced in Ireland by a system which in England had turned out to be a complete success. An enormous disparity existed between the taxation of the Irish towns and that of the rural districts in their vicinity, and he maintained that it was unfair that the towns should be called upon to bear heavy rates for the support of the crowds of agricultural poor living within their limits, as was the case at present. The City he represented (Limerick), was rated at 4s. 6d. in the pound, and the average poor-rate of the surrounding districts did not exceed 1s. 10½d. The principle he contended for was that they should include in one rate an area perfectly identical in interest—namely, the town and the rural district immediately surrounding it. It was only just that the comparatively prosperous rural

districts should contribute something towards the relief of the Irish towns, which had few or no manufactories and many agricultural labourers resident in them. It was said that the towns were enriched by the workhouse contracts; but the fact was that the farmers of the country districts surrounding the workhouses got more than half of those contracts. There could be no doubt, from the official evidence taken on that question, that the present system, which threw on each electoral division the duty of supporting its own poor, had a very injurious effect on the prospects of the agricultural labourer. It induced the landlord to abstain from building houses for the labourer, and also to demolish existing cottages, whereby the labourer was driven into the towns, and thus became a burden upon their rates. In the west district of Kells there were, in 1860, 1,876 dwellings inhabited by labourers; in 1870, only 1,389; and in Navan only 1,117 in place of 1,374. Moreover, the agricultural labourer was now often obliged to walk distances of two, three, four, and sometimes even five or six miles to and from his daily work, whereby his efficiency for his employment was necessarily greatly reduced. The law tempted the landlord to say that the few people, comparatively speaking, who remained in Ireland for agricultural purposes should be driven from his estate into the towns, to be a burden upon the rates of those towns. He contended that under the present system the inequalities in the rating were very great, a farmer on one side of the road having to pay the town rate of 4s. in the pound, while the occupier on the other side only paid the rural rate of 1s. 6d. in the pound. The effect of divisional rating was to enable the landlord to reduce his rate at the expense of the towns, by compelling his labourers to live in the outskirts of the town, a considerable distance from the place where they worked. It had been said that Ireland required a season of repose from sensational legislation. This was a measure which recommended itself in so far that it had no political bearing whatever, and did not seek to transfer political power from one party to another. It was a measure which affected a purely material question upon which depended the restoration of prosperity to the Irish towns, and the very existence of the Irish peasantry.

Mr. Fawcett

Separate rating had failed in both countries; and union rating had been successfully adopted in England. That being so, there was no reason why the system should not be applied to Ireland. The right hon. Baronet (Sir Michael Hicks - Beach) was the irresponsible Governor of Ireland at the present moment, and the future of Ireland depended in a large measure upon what course he took in relation to measures for her material improvement. The right hon. Gentleman, on the first night of the Session, stated that if Irishmen would wait, they would see that he was willing to do all he could to forward the material prosperity of their country. Here was an opportunity for taking an important step in that direction, and he could assure the right hon. Baronet that if he would deal with this measure in a considerate manner, he would be met in a spirit of perfect fairness by Irish Members, who were anxious to make every concession that could conduce to a settlement of this question. There was a definite public opinion upon the question in Ireland, and it was in favour of union rating.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. O'Shaughnessy.*)

MR. KAVANAGH admitted that the Select Committee reported to the late Parliament in favour of union rating, but he contended that, but for a casual change in its constitution, the decision would have been the other way. The allegation that rural paupers were driven into the towns was not established by one of the witnesses called to prove it, and though formerly there might have been instances of harshness, they were exceptional. The famine caused a migration into the towns, but such persons became chargeable to the district whence they came. The number of electoral divisions in Ireland was 3,438, and if this Bill passed, in 2,405 of those, taxation would be increased for the sake of relieving eight other divisions. But even before admitting the case of those eight divisions to have a reduction, they ought to look at the valuation, and all the evidence given before the Select Committee showed that property in towns was very much under-rated in comparison with property in rural districts. No case had been made out to warrant

the House in passing this measure, to which the majority of the people of Ireland were opposed. ["No, no!"] Out of 163 unions in Ireland 115 were against it, and that looked as if the majority of the people of Ireland were not in favour of union rating. He looked upon the proposed change in the law with dread, and whilst he was willing to offer redress to any electoral district that was too highly rated he regarded the preservation of some inequality of rating as a most salutary thing, because it tended to preserve the individual responsibility and interest of the guardians in the discharge of their duties. It was to the subject of out-door relief that he looked with most dread if the proposed change were carried out, for he believed that a system of extravagance and jobbery would be initiated by it. With regard to the argument that the assimilation of the laws of the two countries would have the result of binding them more closely together, he believed it was based upon a false issue, for the circumstances of the two countries were utterly different. The Bill would sweep away that individual interest in the administration of rates which was the greatest safeguard against jobbery and extravagance. Under these circumstances he should give the measure his most sincere opposition, and therefore he begged to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Kavanagh.*)

MR. DUNBAR, in supporting the measure, expressed his strong approval of the system of union rating, and hoped it would be extended to the whole of Ireland. He would not enter into the details of the question as it affected the whole of Ireland, but as the hon. Member for Carlow County (*Mr. Kavanagh*), who had moved the rejection of the Bill, was Chairman of the New Ross Board of Guardians, he thought it but fair that the opinion of the people of New Ross should be presented to the House. He believed that in no town in Ireland were the irregularity and injustice of the present system more felt than in New Ross. For many years the people had been agitating for the repeal of the existing law, and he trusted that their efforts were now at length about to be

successful. He was not surprised that the hon. Member for Carlow County led the opposition to the Bill, for there was no gentleman in Ireland who had more reason to be thankful for the present state of the law, the rates on his property having been reduced from 4s. 2d. to 8d. For the three years ending 1849 the rates in the electoral division of New Ross averaged 4s. 2d. per annum. At that time there were 18 electoral divisions in the union, and three of them were higher rated than New Ross—namely, Grange 5s. 4d., Dysertmore 4s. 4d., and St. Mullins 5s. 6½d. Before 1854 the union had been re-divided, and 38 electoral divisions created. For the five years ending 1854, the average rates in New Ross electoral division were 4s. 0½d., the average for the whole union being only 1s. 6½d. There were five divisions the property of the hon. Member for Carlow County, the rates in which were—Ballymurphy 3s. 8d., Coonogue 4s. 2d.—actually higher than New Ross—Glynn 2s. 10d., Kyle 3s. 0½d., and Tinnahinch 2s. 9d. For the five years ending 1873, New Ross was 4s. 2½d. an actual increase, while the average of the whole union had fallen to 1s. 4½d. In Ballymurphy the rate had fallen from 3s. 4d. to 8d., in Coonogue from 4s. 2d. to 1s., Glynn 2s. 10d. to 10½d., Kyle 3s. 0½d. to 11½d., and Tinnahinch from 2s. 9d. to 1s. 3½d. How was the difference to be accounted for? He maintained that the clearing of estates which was effected between the years 1854 and 1873, was not the result of the famine, but of the steady determination shown by the country gentlemen to take advantage of the unfair and unjust system under which the rates were levied. It was no wonder the hon. Member for Carlow County wished to retain the present system. The landlords and farmers had a direct interest in turning the labourers off their lands and driving them into the towns. That was, however, but a short-sighted policy on their part. A man living in the slums and filthy alleys of a town could not be in as good health or capable of doing as much work as one living in the pure air of the country. Moreover, when the labourers had to go long distances from their hovels in the towns to and from their employment they were too exhausted to perform a full day's work, and thus the farmer suffered. Under

the present Bill, on the other hand, the landlord and the farmer would have no inducement to unroof the cottages in the rural districts and drive the labourers into the towns, and they would soon have a better class of men in their employment, while a great improvement would be visible over the whole face of the country. The labourer, if they gave him a proper habitation, would much prefer to live on the farm rather than in the wretched quarters of a small town; and in a few years both the landlord and the farmer would be brought to recognize that the supporters of the Bill had been their true friends.

MR. M'CARTHY DOWNING explained that the reason why Mr. M'Mahon's Bill on that subject had not been got through Committee was because its author's whole time was engrossed by his duties as counsel in the prosecution of Arthur Orton. He viewed the question before the House as a much larger one than where a townland had to pay a penny or two more than an electoral division in the rural districts. He could prove that the labouring population had been driven from the rural divisions into the towns to find labour for two or three years, and then become chargeable to the electoral divisions in which the towns were situated. Mr. Coltsman, Chairman of the Killarney union had shown that labourers had to travel four miles to their work. In the Select Committee there was a majority of nine to eight in favour of union as against electoral division rating. It had been said that union chargeability in England had increased the expenditure; but, so far from that being the case the Reports of the Poor Law Inspectors clearly showed that union rating had actually reduced the expenditure in England. They showed not only that it had led to economy, but that there was less favouritism than under the former system, that the relief was more uniform, and that the attendance of the Guardians was better. The present system in Ireland was full of glaring anomalies—rates of 5s. on one side of an imaginary line, and less than 1s. on the other, and places of large population and high valuation maintaining very few paupers, compared with places of less population and lower valuation. English people could not be sent from Ireland to England; but Irish paupers,

after an absence of 30 years, were sent back from England to Ireland. Relief was now often wrongfully denied in Ireland solely to keep down the rates—an abuse which union rating would correct. Under union rating more houses would be built. The case of New Ross was not nearly the most startling that could be adduced. That of Skibbereen was much worse. He had shown how the inequalities of the rates had driven the people into the towns. In the Skibbereen union, of 99 charged to the E Division of Skibbereen, 22 were from other divisions, and for years varying from four to 10. Could any hon. Member defend so glaring an injustice? The system of union rating had worked most beneficially in England, why should it not be equally beneficial in Ireland? It had been said the Irish people were hostile to union rating. He would test that allegation by the number of Irish Members who voted for and against it. He hoped the right hon. Baronet who now represented the Government in Ireland would take this subject up, and that he would have the honour and credit of settling in on a satisfactory basis.

MR. DALWAY believed that if there was any system that worked well in Ireland it was that of the Poor Law, and he denied that any alteration in it was at all wanted. If this Bill were carried it would be a step to a national rate. It was part of a policy to make the North of Ireland pay for the South.

SIR MICHAEL HICKS - BEACH said, he hoped that the House would not approach this question under the idea that union rating in Ireland meant the same thing as union rating in England. When the question was discussed with reference to this country a good deal was said about close parishes, and attacks were made on the landlords who, it was said, were in the habit of transferring their labourers to open parishes, in order to relieve themselves from the burden of their support. He regretted the attack of this same character which the hon. Member for New Ross (Mr. Dunbar) had made upon his hon. Friend the Member for Carlow (Mr. Kavanagh). From all he had heard, however, he believed there was no single landlord in Ireland who less deserved such an attack. His hon. Friend had been for years a resident landlord, doing good to the best of his ability to all around him, and,

in particular, by building cottages he had done his utmost to encourage the residence of labourers in his own electoral division. He (Sir Michael Hicks-Beach) did not believe that, with regard to close parishes, the circumstances of England and Ireland were alike. In England there were parishes far smaller than any Irish electoral division; but the electoral divisions in Ireland were of such a size that it would rarely be possible for landlords, by destroying the cottages, to drive their labourers to other electoral districts. After listening attentively to this debate, he found himself unable to agree entirely with those who had spoken on either side of the question. It had been admitted, he believed, by all the Members of the Select Committee, that the towns had a fair claim to some relief in this matter. When the Poor Law was introduced in Ireland, the electoral divisions were adopted as the area of rating; but in the course of time the disproportion between the charges in the town and in the country divisions was found to be so great that various changes were made, in the direction of union rating. Indeed, a very considerable proportion of the total charge on account of the poor rates was now placed upon the union in Ireland, and not upon the electoral division. This having been the course of past legislation, and the towns having still a claim to relief, the question arose how could that relief be best afforded? It was suggested, in the first place, that much good might be effected by a revision of the present boundaries of the electoral divisions. There had no doubt been such an alteration in the circumstances of the population as to render a revision of the boundaries necessary, and he agreed in thinking that much good might be done by it. But that would hardly be sufficient. It had further been suggested that a rate-in-aid might be granted from the union in favour of those electoral divisions that were most heavily burdened, and this proposal also seemed to him to have a great deal of force. The electoral divisions which suffered under the present system were comparatively few in number, which was a strong argument in favour of this solution of the question; but he thought there would be serious difficulties in fixing the limit of the rate-in-aid. It would not be easy to fix a limit that should be satisfactory or applicable

to the whole country, or to settle in what way a real inducement to economy could be afforded to the electoral divisions. He thought there were objections of very considerable moment to the proposal of a rate-in-aid. Another proposal was that the expenditure of maintaining the blind, deaf, and dumb in asylums should be made a union charge, instead of an electoral division charge. This would be a step in the right direction, and he believed every Member of the Select Committee had approved it. Then there was the suggestion that the system of union rating should be adopted pure and simple. He saw great objections to this proposal. In the first place, it would by no means settle the question; for there would be under a system of union rating the very same differences of taxation that existed at present, with merely a change in the area. It would give relief to certain electoral divisions, but one union would still be heavily burdened as compared with another. In fact, a uniform charge over the whole country could only be obtained by means of a national rate, and the objections to such a rate on the score of economy and proper management were so serious that he thought such an idea could hardly be entertained. The main objection to union rating was not the lack of the attendance of guardians that might occur, for the system in England had not produced a lack of attendance. The objection to union rating was that it gave rise to a tendency in the direction of extravagance. This tendency would be found in connection rather with out-door than with in-door relief. There was a suggestion which, so far as he knew, had not been made before the Select Committee, and which seemed to him, as at present advised, to offer the prospect of a safe and permanent solution of the question. If, after careful inquiry, it was found possible to place the general in-door charges for the poor upon union rating, and to leave the out-door charges upon the electoral division rating, it seemed to him that much of the argument against union rating on the ground of probable extravagance would be got rid of. The system of out-door relief was at the present moment by no means satisfactory in Ireland. It was regulated not by rules laid down by the Local Government Board, as in England, but by the stringent clauses of

an Act of Parliament; and yet it was in the power of one Board of Guardians to adopt out-door relief to a very large extent, while another might decline altogether to enter into it. Not only was there a great difference in this respect between different parts of Ireland similarly situated, but there had been of late years a considerable increase in the amount of out-door relief given, and so rapid had been the increase that it went far to contradict the argument so often used in that House as to the superiority of the Irish Poor Law over the English system. In 1856 the total amount expended in out-door relief was only £2,245; in 1867 there was a maximum number of 18,666 persons receiving out-door relief at a cost of £40,075; and in 1873 the maximum number amounted to 33,720 persons, at a cost of £91,641, and yet this increase had occurred in the face of a diminished population, and an increase in national wealth and prosperity. It appeared to him, therefore, that the system of out-door relief in Ireland required very careful consideration, and that it was intimately connected with the question which the junior Member for Limerick had so ably brought before the House. The hon. Member for Cork (Mr. Downing) had referred to another matter well deserving consideration—the difference which existed between the English and the Irish law with respect to the removal of paupers. As far as that was concerned, he thought that Ireland had fair cause of complaint, and he had been surprised that Irish Members had not brought it under the notice of the House at an earlier period of the Session. Looking at the fact that some relief might fairly be claimed for the heavily rated electoral divisions, and that it might be desirable at the same time to deal with the questions of out-door relief and removal of paupers, he would ask the hon. Member for Limerick (Mr. O'Shaughnessy) not to press the Bill to a division, but to consent to leave the matter in the hands of the Government. It was only fair to himself to say that he had had but a very short time to consider the subject, which was by no means free from difficulty. Any matter connected with the administration of the Poor Law was a matter which, he thought, would ordinarily be better dealt with by the

Sir Michael Hicks-Beach

Government of the day. He would promise to give his best attention to the question during the autumn, and see if he could not propose to the House next Session a solution which would attain the object the hon. Gentleman had in view without at the same time leading to the extravagance to which the hon. Gentleman, in common with himself, would very probably strongly object.

Mr. O'SHAUGHNESSY said, that after the statement which had just fallen from the right hon. Baronet, he would very willingly withdraw the Bill.

Mr. BRUEN commented upon the undeserved attack made by the hon. Member for New Ross (Mr. Dunbar) upon the hon. Member for Carlow (Mr. Kavanagh).

Mr. DUNBAR assured the House that he had no intention of making an attack upon the hon. Member.

Mr. BRUEN said, the suggestion of the Chief Secretary for the adoption of union rating with regard to indoor poor would not be a satisfactory solution of the question. It would amount simply to union rating in a great number of unions, and would not remedy the inequalities which were complained of.

Mr. KAVANAGH said, he must decline to withdraw the Amendment.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

Question, "That the word 'now' stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

MERCHANT SHIPS (MEASUREMENT OF TONNAGE) BILL.

On Motion of Sir CHARLES ADDERLEY, Bill to amend the Merchant Shipping Acts 1854 to 1873, so far as relates to the Measurement of Tonnage of Merchant Ships, *ordered to be brought in* by Sir CHARLES ADDERLEY, Mr. CAVENDISH BENTINCK, and Mr. BOURKE.

Bill *presented*, and read the first time. [Bill 118.]

House adjourned at
Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, 20th May, 1874.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading—*Drainage and Improvement of Lands (Ireland) Act (1863) Amendment* [120]; Ecclesiastical Patronage (Church of England)* [121].

*Second Reading—*Leases and Sales of Settled Estates* [8]; Spirituous Liquors (Scotland)* [10]; Public Meetings (Ireland)* [23], *put off*; Municipal Boroughs (Auditors and Assessors)* [54], *debate adjourned*.

LEASES AND SALES OF SETTLED ESTATES BILL.

(Mr. Gregory, Sir John Kennaway, Mr. Lopes.)

[BILL 8.] SECOND READING.

Order for Second Reading read.

Mr. GREGORY, in rising to move that the Bill be now read a second time, said, that the object of it was to remove certain restrictions which had hampered the operations of an Act of Parliament which had been of great utility—the 19 and 20 Vic. c. 60. That Act was passed to enable the Court of Chancery to exercise powers in reference to the leasing and selling of settled estates, which had hitherto been exercised by the Legislature alone. Tenants for life, trustees, and others having limited interests in estates might apply by petition to the Court for power to grant leases or effect sales where they would be beneficial to the property. Many applications had been made to the Court under the Act, and had been acceded to with great benefit, both to those interested in estates and to the public generally; but the Act was hampered by a clause which required the Court to have the consents of all parties interested under the settlement, down to the tenant in tail inclusive, before the application could be granted, and the simple object of the Bill was to enable the Court of Chancery, where it thought fit, to suspend the operation of that part of the Act, and allow of sales, without the assent of parties and others having remote or contingent interests. The practice of Parliament formerly was to require the consent of all such persons, and in handing its powers over to the Court of Chancery, Parliament required it to obtain such consents. It did not, however, occur to Parliament that the Court had not, like

pending with such consent by legislation—a power which had been exercised against persons who proved unreasonably obstructive. In many cases there were a number of persons between the tenant for life, and the tenant in tail, to whom life estates were given which were never likely to take effect; or the tenant in tail, might be liable to be dispersed at any time by a previous tenant for life having a child; but the existence of the present restriction enabled a man to say—"It is true my substantial interest is worth little or nothing, but my concurrence is worth something. What will you give me for it?" In this spirit a man might capriciously withhold his consent, and say he would take his chance, and such refusals operated very injuriously in many instances. It prevented a tenant for life granting building leases; or, if an estate was encumbered, it prevented him selling a portion of it to enable him to improve the remainder. He had the pleasure of speaking to many members of the Chancery Bar, and they had all of them expressed their hearty concurrence in the object of the Bill, as one very much calculated to facilitate sales without injury to individuals and in the interest of the public. Many cases had been mentioned to him that had come before Court that would be met by the passing of this Bill. In fact, it was only within a day or two that the secretary of one of the Judges of the Court of Chancery told him that he had to stop an application under the Act because one of the parties whose consent was required was an imbecile, and such consent could only be given by a Committee appointed under a Commission of Lunacy to which the family naturally objected. It was not likely the Court of Chancery would exercise the power proposed to be conferred by the Bill without due consideration, and all the usual safeguards in reference to notices and advertisements, and so forth, had been retained in the Bill. For those reasons he hoped he should have the support of the House in moving the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Gregory.*)

THE ATTORNEY GENERAL said, that having had some considerable experience in these matters, he knew of the diffi-

culties which needlessly obstructed and complicated the sales of settled estates. He thought the Bill was so drawn, and would be so beneficial in its operation, that it would prove to be of considerable utility, and he, therefore, would give it his hearty support. The consents could not be dispensed with except by direction of the Judges before whom the matter was brought, and after full and sufficient notice to all the parties concerned. Under these circumstances, he had great pleasure in supporting the second reading.

SIR JOHN KENNAWAY said, he had great pleasure in supporting the Bill, which formed part of a much larger measure introduced by his hon. Friend last Session, which dealt with the transfer of land. It now came before them in a simple and unpretending form, but which gave relief where relief was much needed, and he thought the time had come when Parliament might, with great advantage, proceed in the direction indicated. The two hon. and learned Gentlemen who had preceded him made it unnecessary to say anything, so far as the professional point of view was concerned; but, connected as he was with land, he approached that subject as a practical man, who desired to make the land more productive. That could only be done by the larger application of capital to the land for the purpose of its full development. The Report of the Commission on the employment of females and children in agricultural labour gave a description of over-crowded, miserable cottages, and under-cultivated land, which were directly attributable to the want of capital and enterprise. To free those stagnant settled estates would be a public benefit. He might go still further, and point to the Report of a Committee of the House of Lords, which dealt with the interests of owners of limited holdings, leaving the remainder more guarded by very careful restrictions. It was admitted that, much as had been done, much more might be done if facilities were given for sales and re-settlements. If the land was held in fee simple, no such legislation would be required. But the larger portion was held under settlement. The Act of 1856, on which this Bill proposed to make some amendments, was in itself a useful Act. It insisted upon one principal point—namely, that the intention of the

Mr. Gregory

settlers should be attended to before all other matters. The Bill of the hon. Member maintained that provision in all its integrity. But the Act further provided that the consent of the trustees of those who might have distant interests in the estates should be necessary. Trustees who had no beneficial interest in the estate were extremely loath to become parties to such suits, and Mr. Parkins, a solicitor, giving evidence before the Lords' Committee said—"we never consent on the part of trustees; we do not object if the Court sees fit to grant." The Bill enabled the Court of Chancery, where they saw fit, to dispense with the assent of such parties. Such a power was much needed, and they all knew that it would be judiciously and equitably exercised by the Court. It was infinitely more to the advantage of the successor to have a small estate in good order than a large one in a dilapidated condition.

MR. LOPES heartily approved of the objects of the measure, and felt highly gratified at the reception it had met on that occasion. He believed it would be a valuable contribution to the legislation of the Session.

SIR EDWARD WATKIN said, the Bill would strike off another shackle on the transfer of land in the public interest. He was sorry it had not been made a little wider, so that the Court should have power to order the cutting down of old and unnecessary trees on settled estates.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, it would be desirable in Committee to make the words in the Bill "Court of Chancery" include also the Court of Chancery in Ireland. He had known of cases of settlements in which the limitations were of the most curious character, and which this Bill would enable the Court of Chancery to dispense with, while at the same time, sufficient protection would be given to all parties interested under such settlements.

Motion agreed to.

Bill read a second time, and committed for Tuesday, 2nd June.

SPIRITUOUS LIQUORS (SCOTLAND)

BILL—[BILL 10.]

(*Sir Robert Anstruther, Mr. Fordyce,
Mr. Dalrymple.*)

SECOND READING.

Order for Second Reading read.

SIR ROBERT ANSTRUTHER, in moving that the Bill be now read a second time, said, it would hardly be necessary to bring forward any reasons of apology for having ventured to ask the House to read it a second time. At the same time, it might be expected that he should give the House some reasons, as clear and succinct as he could, why he had tabled the Bill, and why he desired the House to assent to it. In the first place, he would observe that, although there had been several Acts passed relating to the sale of intoxicating liquors during the last three or four years, no provision of any kind had been introduced applying to Scotland. In the Bill of 1871, which he introduced first to the House, and which was subsequently taken over by the Government, no reference was made to Scotland, though on the Motion of the hon. Member for Cork, it was applied to Ireland with the general consent of the Irish Members then in the House of Commons. He regretted that it was not in his power to apply that Suspensory Bill to Scotland, and that it did not occur to any of his hon. Friends to apply it either. The draft Bill of 1871 of the then Government did not apply to Scotland, nor did the Act of 1872. It would be unfair upon that ground, however, to assume that there was not a very general desire on the part of the people of Scotland for an amendment of the law relating to the sale and consumption of ardent spirits, and he thought he could show, and hon. Members connected with Scotland would confirm him, that there was a very general desire for the reform of the existing law, and that desire was unequivocally expressed at the last General Election. In fact, he was quite convinced it would have given greater satisfaction and have been for the benefit of the whole country, if the Lord Advocate introduced some reforms in the system. He could bring a good deal of evidence in support of what he said. He would allude first of all to the large number of societies calling themselves Good Templars, which had within a com-

paratively small number of years been founded in Scotland. He did not pretend to say that he went to all the lengths that those belonging to these societies did, because they had advocated some extreme doctrines; but the numbers of Scotchmen belonging to these societies, and the earnest way in which they acted, entitled him to say that their formation constituted one amongst other evidences to be adduced, that there was a general desire in Scotland for an amendment of the law. The people of Scotland also supported the Bill of his hon. Friend near him (Sir Wilfrid Lawson), though he must say his (Sir Robert Anstruther's) belief was, that they did so not so much on account of the prohibitory character of the Bill, as on account of its admitting for the first time, that the population should have some control over the public-houses, and in the issue of the number of licences. He believed it was that popular control—in which respect he did not think the Bill even went far enough—that caused the people of Scotland to approve of the Bill. He could also adduce other reasons why they desired an amendment of the law. Let him first speak of the enormous consumption of ardent spirits in Scotland, and of the increasing consumption of them in that country. They had the other day a very interesting speech made upon the Sunday Closing in Ireland Bill by the hon. Member for Londonderry County (Mr. R. Smyth), and he quoted figures to show that the consumption of spirits in Scotland was not nearly so large as it had been—that, in fact, there was not so much drunkenness now as there was some years ago. He did not know where the hon. Member got his figures from, and he had been unable to ascertain that they were correct, for the figures which he (Sir Robert Anstruther) had obtained went to prove a state of things diametrically opposed to that set forth by the hon. Gentleman. He had taken the figures from the latest available and official Returns, and he found in Scotland, in 1869, that they consumed 5,295,329 gallons of spirits, being 1.57 per head of the population. In 1872 the consumption was 6,452,831 gallons of spirits, being 1.92 per head of the population, and that morning he had received further figures from the Revenue Department showing that, in 1873, the consumption of ardent spirits was 6,832,487

gallons, being 2.3, or two gallons and one-third per head of the population. His figures, therefore, did not tally with those of the hon. Member. He wished they did, because he was afraid they proved beyond all doubt, from whatever cause it arose—whether from the increasing wages that working men were receiving, enabling them to spend more money in drink; or from the increasing desire to consume ardent spirits—that there was a serious annually increasing amount of drinking in Scotland. The statistics in reference to crime which was attributable to drunkenness also showed a very large corresponding increase. The number of persons in Glasgow convicted of drunkenness in 1869 was 4,971, while in 1873 it was 6,418, being an increase of 30 per cent. The cases of assault and breaches of peace arising out of drink were in 1869, 14,653; while in 1873, they were 17,906, showing an increase of 22 per cent. Then there was in Glasgow a very large number of persons coming under a curious category, which he did not find in the columns of any other police Report. There were in the year 1873, no less than 28,814 persons who were taken up by the police for being drunk and disorderly, who were not brought before the magistrates, but were released by the lieutenant on duty. It therefore appeared if a person in Scotland wanted to get drunk he could not choose a better place to do it in than Glasgow, where if he fell into the hands of the police he had a chance of being released without being taken before a magistrate. He would now refer to Dundee. Between 1869 and 1872 there was an increase in assaults, disorderly and drunken cases, to the extent of 56 per cent. Lord Deas, in finishing his Circuit Court said, nearly all the cases seemed very nearly to come from one cause—namely, the excessive use of intoxicating drink, sometimes by the parties who committed the offences, and just as frequently by the persons upon whom the offences were committed; because, when persons were seen to be in drink they became objects for attack. Lord Deas further said that he understood from the best information that within the last year, 1873, there had been an increase in police offences to the extent of 727 in Dundee, and it was mainly due to the use of intoxicating drink. Mr. Justice Denman, speaking

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mently at the Liverpool Assizes said, it is a curious fact that in 13 cases of assault, either the person attacked or the person attacking was more or less drunk. Therefore, he was afraid that all the cases he had quoted as regarded Scotland went to show, the Forbes-Mackenzie notwithstanding, that there was a great and annually increasing consumption of spirits in that country; and that the increasing consumption of spirits and liquor was producing an annually increasing amount of crime. With regard to the number of licences, that formed an element in his argument in favour of the second reading of the Bill. He considered there were too many of these licences. He knew it was a disputed question, many people arguing that the increase of crime was not in the same ratio as the increase of public-houses. He would not argue that it was in the exact ratio; but as they multiplied temptation, the opportunities for drinking became greater, and people yielded to these increased temptations. They often heard and it said that a man might possibly pass three public-houses, but he could not pass a fourth. In order to show that there were a great many more of these houses in Scotland than were required by the wants of the people he would quote some figures. Edinburgh had a population of 197,581, and there were 397 inns and public-houses; the proportion of inns and public-houses to the population being one in every 498. But there were 458 grocers' licences, and if they added these to the inns and public-houses, they brought the places for selling drinks to 1 in every 231 of the inhabitants. These figures were taken from the Return moved for last year on the Motion of the hon. Member for Forfarshire (Mr. relay); but he had the very good authority of a gentleman practising in the Licensing Court in Edinburgh for saying that there had been a very considerable increase in these grocers' licences, that they now numbered 554. Dundee, with a population of 119,141, had 19 inns and public-houses, being 1 to every 427 of the inhabitants. There were 238 grocers' licences, which made the places for the sale of intoxicating liquors 1 to every 230 of the population. That was surely a great deal more than was needed. Kilmarnock, with a population of 23,799, had 82 public-houses and inns, and 45 grocers'

licences, being 1 to every 186 of the population. It was a singular fact, as they went down in the scale of towns they got up in the scale of proportion—that was to say, the smaller the place the larger the number of public-houses and drinking places in it. He should have been inclined to have supposed that the opposite would have been the result. In Airdrie the houses were 1 in 172 of the inhabitants, and in Dumfries they were 1 to every 149. In Musselburgh they were 1 to every 119, and in Haddington 1 to every 109, including grocers' licences. As they got further north, from some cause he could not explain, the proportion increased. [An Hon. Member: It is colder.] Yes; and beyond that, there were numbers of English gentlemen who went there to shoot. In Irvine the drinking places were 1 in 111 of the inhabitants, and in Dingwall they were 1 in 96. He submitted that these figures were worthy of consideration. Taking an aggregate of the counties, exclusive of the boroughs above 500 inhabitants, there was a population of 1,109,595, with 1,537 public-houses and inns, and 533 grocers' licences, being one in every 536 of the inhabitants; while in the boroughs over 500 inhabitants, there was a population of 2,250,423, with 6,355 public-houses and inns and 3,726 grocers' licences; being one in every 223 of the inhabitants. Taking the whole of Scotland, with its population of 3,660,118, there were 7,892 inns and public-houses, being a proportion of 1 to every 425 of the population; the grocers' licences were 4,259, the proportion of 1 to every 789 of the population; and taking inns and public-houses and grocers' licences together, there was 1 drinking place for every 278 of the inhabitants. He respectfully submitted that he had made out that part of his case—that there were too many public-houses, and that it was very desirable that the number should be reduced. He now desired to call the attention of the House to the Bill itself. He admitted at once that it was an experiment, and that it was an experiment of a somewhat novel kind, but it was an experiment they were not going to embark upon without a precedent very much to the point indeed. He alluded to the case of Gothenburg. The main object he had in view was to carry out the scheme of Mr. Car-

negie of Stronvar, who had given tangible proofs of his desire to see the Gothenburg system tried in Scotland. Mr. David Gillespie, advocate, had written an admirable epitome of what the system was, which he recommended to hon. Members. This Bill was divided into two parts, and was a Suspensory measure as far as Clause 6, and those clauses were separate from the Bill, and might form an Act by themselves. Now, what were the facts with regard to the Gothenburg system? They were, in his opinion, very interesting. The system was commenced in Gothenburg, in 1865, by a private company being established with a view of buying up the public-houses, the great principle being that no proprietor or manager of a public-house should derive any profit or gain from the sale of spirits. This was an object well worthy of consideration. No doubt, there were those who objected to touch the unclean thing in any form whatever; but it was quite evident that somebody must touch it; and, as some public-houses must exist, as practical men the best thing they could do was to see that they were conducted by the best and most respectable persons, and that they were under the control of the people themselves. Well, as he had said, the Gothenburg system was started in 1865, when there were 40 public-houses in that town; and these were placed in the hands of the company, who reduced them by 23, leaving only 17 public-houses open. The result of this had eminently been to diminish drunkenness and increase the respectability of the houses. He should say, in parenthesis, that the company only bought up the public-houses, and not the grocers' licences. Now, what were the moral results of the system? When the company took over the houses, the percentage of drunkenness per annum was 6.1; while in 1868, three years afterwards, it had been reduced to 2.5. In 1869 and 1870 it remained at much the same figure, while in 1871 it rather rose, which was easily accounted for by the increased wages and prosperity of the people, and the desire to spend more wages. The fact, however, remained that at the present moment the percentage of drunkenness was under one-half of what it was when the operations of the company commenced. But this was not all. The financial success of the company had

been such that they had made a surplus of over £10,000—a sum equal to the entire poor rate of the town. If they could diminish drunkenness, increase the respectability of public-houses, and remit the whole of the poor rate, he submitted that it was making good use of the unclean thing, and why should they not make that use of it? It had been alleged by some persons, and he had seen it stated in a pamphlet published in Edinburgh, that the success of the system had not been so great as had been supposed, and three gentlemen had been over to Sweden with a view, he had hoped, of finding out the good of the system. But, as it turned out, he was afraid they went with envious eyes. Why they should be envious, and why they should desire to make out Gothenburg to be worse than it really was, he could not conceive. He believed these gentlemen were members of the United Kingdom Alliance, and there was only this excuse to be made for them—they went over at a very bad time, for there was a large influx of the rural population into Gothenburg, with a good deal of money in their pockets to spend, and they therefore saw a larger number of drunken people than usual. He had never alleged that there were no drunken people in Gothenburg. What he had said was, that the results of the system had proved, beyond doubt, that it was a success. The Dean of Gothenburg, the Members of the Diet, the Governor of the province, and other authorities, all concurred in testifying to the beneficial change which had taken place in the habits of the people, and they were clearly of opinion that the greater part of the drunkenness which still existed was not due to the company's public-houses, but to the sale of spirits by the grocers. As he had said, they had an enormous number of those grocers' licences in Scotland, and the Lord Advocate would confirm him when he said that a great deal of the mischief in Scotland had been done by drinking over the counters of the grocers' shops while buying tea or sugar, and that some action ought to be taken thereon. The same mischief seemed to have been caused in Gothenburg also. At a large public meeting of the Working Men's Union, held in Gothenburg last year, a conference took place between the delegates of the Union and the company,

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and a petition relative to grocers' licences was presented from the Union to the Swedish Diet, through the Representatives of the city. In that document the petitioners set forth the great improvements in sobriety which had taken place since the establishment of the company, and asked that the grocers' licences should also be vested in the company. The Diet appointed a Committee to inquire into the Petition—and it was presumable that the Diet was more competent to form an accurate opinion as to the wants of the people of Sweden than any three gentlemen going over to Gothenburg for a fortnight, even with the best possible intentions. The Committee reported favourably on the proposed amendment, and in April last the town council decided to pass over the grocers' licences to the company, expressly stating that their object was to promote the cause of temperance. Although the present state of things was not all that the Swedish Diet could desire, it was infinitely better than that which existed in 1865, and he believed that the Gothenburg system had been a decided success. Now, all that he asked was, that there might be some opportunity of trying the system in Scotland, and he merely proposed that if any town wished to adopt the Gothenburg system of licensing, it should be at liberty to do so. The Bill differed from the one he introduced last year in two important respects. There was no compulsory clause for the buying of public-houses, as there was in the former Bill. He felt quite certain that the enacting of such a clause would give rise to a great deal of heart-burning and ill-feeling on the part of the trade, and therefore it was eliminated from the Bill now before the House. Further, he had got rid of the great inconveniences involved in the proposal of a rating power. They could not buy without money, and money could not be raised, except by means of rates, and they all knew how afraid people were of anything in the shape of a new rate—how they shrank from the idea of any addition to local taxation. One curious fact of the Gothenburg system, however, was that the buying up of houses was started without any money, and that was one of the few instances he had known in his life of a company commencing in that way and becoming wealthy. The parties received an advance from the bank, and

the profits were so great, that they were speedily enabled to pay off the debt, and realize a sum sufficient to remit the whole of the poor-rates. In Scotland, Mr. Carnegie had offered to lend £10,000 to the first town in Scotland that adopted the Gothenburg system; and he (Sir Robert Anstruther) thought that if the system were adopted in that country, the result would be the same as it had been in Sweden. It was with that view, and in consequence of the offer of Mr. Carnegie that he had dropped the rating part of the Bill; and he would respectfully submit to the Government that if they would consent to take up the matter, they would probably find that a large number of places were willing to adopt the Gothenburg system. No harm could be done to the trade, and that was a point which he especially wished to urge upon the House. A Petition had been received from Edinburgh complaining of the tendency of the Bill as regarded the trade; but he contended that they could not have read the Bill, or they would have found that the trade would not in any way have been injured by the legislation proposed. Instead of harm, it would increase the profits of the trade rather than diminish them; because it would limit the number of public-houses, and make the income of those which remained larger, by giving them an increased monopoly. Moreover, it would have a very beneficial effect on the trade by increasing the respectability of the houses in it. The houses which people desired to get rid of were naturally the houses of the worst class, and not those which were conducted in a respectable manner. It was also quite erroneous to suppose that the Bill was proposed with the view of harassing the trade, and imposing vexatious restrictions, for it was proposed only in order that the people might have a voice in the management of such important matters. The evils of the present system fell upon the people in the shape of the crime, pauperism, and misery which now prevailed wherever ardent spirits were consumed by the lower classes to excess. That fell upon the ratepayers, and therefore it was not unreasonable that the ratepayers should have a voice, and a considerable voice, in the management of the public-houses. That was a point that had always been strongly felt in

Scotland, and it was one which seemed to him well worthy of attention. It seemed to him a very invidious task for the magistrates to decide whether or not people should have licences for public-houses, and in his opinion, it would be far better to leave it to the people themselves. So much for what he might call the adopted part of the Bill. He would like now to say a word or two about the early part of it. Clauses 3, 4, 5, and 6, as he had said before, practically constituted a Suspensory Bill for Scotland, and they were nothing more, with one or two exceptions. Now, he could state from his own experience—and he thought other Scotch Members would agree with him—that there was a strong desire on the part of a large proportion of the people of Scotland for a measure of that kind. A few months ago he attended a large conference on the subject, held at Dundee, and the conclusion arrived at was in favour of petitioning Government or of urging him to introduce a Suspensory Bill for Scotland, the effect of which would be that the issue of licences would be suspended until the number of houses in towns like Glasgow was reduced to 1 for 1,000 of the population. Moreover, in the opening of this year, Baillie Collins proposed, at a meeting of the Glasgow Town Council, that the Council should memorialize Parliament to appoint a Royal Commission to inquire into the operation of the licensing laws in Scotland, and, pending such inquiry, to pass a suspensory licensing law, and that motion was unanimously agreed to. He thought that a very important fact, coming from the quarter it did, for the Town Council of Glasgow were probably more keenly alive to the evils of drunkenness than the authorities of almost any other part of Scotland, perhaps owing to the large Irish element to be found in Glasgow; and hence their unanimity in the case to which he alluded. Now, the clause in his Bill was that the licensing authorities should not grant a new licence for the sale of spirituous liquors in any place where the number of public-houses exceeded 1 in 700; but he had put the number in it in italics, because that was a question that would have to be decided when the Bill got into Committee. That, however was the same number as was put in the Bill of 1872—he meant the number 700. The hon. Baronet the Under

Secretary for the Home Department knew that that was somewhere about the average in this country, but he (Sir Robert Anstruther) did not absolutely take that number, as that would be for the Government and the Lord Advocate to say. He had made certain exemptions in the Bill for new inns or hotels in large and rapidly increasing places, and he had also prepared a clause regarding grocers' licences. With regard to them Clause 4 provided that from and after the passing of the Act it should not be lawful for the authorities to grant a licence to a grocer for the sale of spirituous liquors, unless a licence had been granted under the existing Act. He thought that proposal would command the respect of all sensible men. He admitted it was quite impossible to interfere with existing interests, and he did not propose to touch existing grocers' licences, or to take away grocers' licences, but he proposed that they should not have a licence to sell spirits. The grocers might go on selling wine and bottled beer; but he proposed that in the future the licensing board might restrict them from selling spirits. There was nothing that was so pernicious as that power, and it was selling spirits in small quantities which did all the mischief. Accordingly Clause 6 proposed that grocers should not be at liberty to sell spirits in small quantities. He hoped that provision would have the support of the hon. Baronet opposite (Sir Henry Selwin-Ibbetson.) It was admitted that people went into grocers' shops for the purpose of purchasing groceries, and then had a dram, and that did a great deal of mischief. He proposed that grocers should not sell spirits in quantities less than a quart bottle. He had some rather curious evidence of the effects of the sale of spirits in grocers' shops which had been collected in Edinburgh. It was not altogether from a very impartial source, because it came from the Edinburgh and Leith Wine and Spirit and Beer Trade Association. It was quite clear they had evidence from philanthropists and from persons connected with the Temperance movement, and it was perhaps well that he and those who agreed with him on that should fortify themselves with testimony derived from a quarter which was totally different from the sources whence they were usually supposed to obtain evidence. Mr.

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Wylie, who represented that association, said in April last that he believed the general impression of the trade was, that the licensing of grocers had a far worse effect than the licensing of shops where spirits were consumed on the premises. In grocers' shops, he said, it was not only men who were injured, but also their wives and families. Edinburgh, he said, was exceptional in this respect, and it was the only city in Scotland where the majority of the licences were granted to grocers. He further stated that in 1854, when the late Act was passed—and here he (Sir Robert Anstruther) thought Mr. Wylie was not quite clear as to the date of the Act—there were in Edinburgh 54 hotels, 511 public-houses, and 326 licensed grocers; whereas, now, in 1873, there were only 43 hotels, and 354 public-houses; but the whole good, unfortunately, of the decrease in the number of public-houses and hotels was done away with by the new grocers' licences; for, whereas in 1854, there were 326, there were now 504. For the purposes of his argument, he (Sir Robert Anstruther) was perfectly satisfied with Mr. Wylie's evidence. No doubt, it practically confirmed the evidence supplied from other quarters as to the evils that had arisen from the sale of small quantities of ardent spirits over the counter in grocers' shops. He did not feel justified in trespassing on the patience of the House any longer; but he would press upon the Government the desirability of giving the system a fair trial. It would be very difficult, if not impossible, for a private Member to make any progress with such a measure as that; but he thought that if the hon. Baronet the Under Secretary of State for the Home Department and the Lord Advocate would confer together on the subject, an opportunity might at all events be afforded of passing the suspensory portion of the Bill during the present year, the Bill being divided into two parts for the purpose of enabling that to be done. If the present system was a bad one, it ought to be amended, and he hoped the Government would take the whole subject into consideration, and deal with it in the manner that seemed best. He would conclude by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Sir Robert Anstruther.)

SIR EDWARD COLEBROOKE hoped that the appeal just made to the Government to give the measure a favourable consideration would be attended to. He quite concurred with the hon. Baronet the Member for Fifeshire (Sir Robert Anstruther) as to the expediency of diminishing the large number of licensed houses now existing in Scotland; but he did not think the matter could be dealt with entirely as one of average, and it appeared to him that the limit which the hon. Baronet proposed would in some cases be too narrow. He cordially agreed with him that in small towns generally, there should be a diminution; but special provisions were necessary in the case of larger and more populous districts. With regard to the question of the possibility of introducing the Gothenburg system into Scotland, he must say that, taking the Bill as it stood, he should despair of that. The real question was—Where would it be possible to find local bodies who were intelligent and public-spirited enough to undertake such grave responsibilities? The working of the system might fall into the hands of such gentlemen as the authors of the pamphlet that had been referred to—gentlemen who, being desirous of carrying out their views, would refuse reasonable opportunities for the sale of spirituous liquors. There were strong and conflicting views on that subject in Scotland, and the people were divided to a large extent between those who wished to put down the sale of spirituous liquors altogether, and those who wished to see much larger and more opportunities afforded for the sale of them; and between the two it might be very difficult for the local authorities to carry out the proposed experiment. Further, it was possible that the matter would fall into the hands of the advocates of the Permissive Bill. He did not know whether or not it would be consistent with the views of such persons to make provision for the sale of spirituous liquors with the view of ultimately depriving people of the chance of obtaining any liquor at all, but at any rate there was a possibility of the system falling into such hands. He did not think a question like that should be dealt with by a side wind. If the House were prepared to carry out such a principle it should do so by direct means, and not by such indirect means as were included

in the Bill. As he understood the measure, however, it was not proposed to interfere in any way with the existing powers of the licensing authorities, and knowing they were sufficient to guard against the evils of which he complained, subject to that check, he did not see any objection to the experiment being tried.

MR. DALRYMPLE said, it was not to be expected that the Bill would be acceptable to those who thought nothing should be done in the way of legislation on the liquor question. He had observed in a well-known Scotch newspaper, that the Bill was described as one of those numerous Bills for repressing drunkenness by annoying the sellers of drink. That was a very unpleasant and gross view of the liquor traffic, and it was as much as to say that by means of the drinking habits of their fellow countrymen, the sellers of drink lived. In his opinion, the sellers of drink themselves would repudiate that idea. The Bill would also not be acceptable to those who desired the complete suppression of the liquor traffic, and that was shown by the fact that at a conference held in Edinburgh, three weeks ago, of liquor reformers from the South-eastern division of Scotland, there was passed a unanimous resolution, viewing with alarm the proposal to transfer the conduct of the liquor traffic to the local authorities, "thereby involving," as it was said, "every individual ratepayer in the direct responsibility of carrying on a traffic at war with the best interests of society." This was the kind of position taken up by those who would have their own terms or none, forgetful that in a question like this there must be some compromise made. For his own part, it was because the Bill was not an extreme measure, because it would afford the maximum of advantage with a minimum of interference with existing rights, and, moreover, because it represented an extraordinary amount of care and patience in the investigation of the subject during several years that he desired to give it his support. He now wished to protest against the idea that seemed to prevail—that those who did not take an active part in the discussions about the liquor traffic were therefore indifferent to the evils of intemperance, and to say for himself, that he did not see that it was necessary

to prove his interest in the suppression of intemperance by swelling the mighty list of names which formed the United Kingdom Alliance. He, and others, who might not have taken an active part, nevertheless took a deep interest in all that was done to lessen the evils of intemperance. He thought that it was too much the custom in that House to support Bills on account of their motive, and not on their merits; and for his part he never would, so long as he remained in that House, support a measure which, although it might be good in its intention, would be unwarrantable, and this remark was particularly applicable to the Permissive Bill. The intentions of the hon. Baronet the Member for Carlisle, and of the supporters of that measure were no doubt extremely good, but he did not think the measure could be made to work. He need not follow the hon. Baronet the Mover of the second reading in the general discussion of the details of the Bill, nor enter into the question whether the number of public-houses increased drunkenness. It was, however, well known that the larger the number of houses, the greater was the tendency to adulteration, and it was bad drink which made such havoc of the health and welfare of the people; and as regarded grocers' licences, he had reason to know that it was in these places that there was a very large amount of drinking carried on. Persons went there to drink who would be ashamed to be seen in public-houses; and, in fact, the grocers' shops were simply public-houses free from supervision. His hon. Friend (Sir Robert Anstruther) had referred to the working of the Gothenburg system; and had requested him (Mr. Dalrymple) to add, what he had omitted to state, that the principles of that system had been carried out to a wide extent in Sweden and elsewhere. A Report was invited from Mr. Erskine, the English Minister at Stockholm, and he was at first of opinion that the system had not been widely introduced; but upon further inquiry, and from answers to circulars, there was evidence that the system had been adopted in two-thirds of all the towns of Sweden. The first part of the Bill—namely, the suspensory part, was that upon which he laid the greatest stress, and the latter part of it might form a subject for future inquiry.

Sir Edward Colebrooke

The suspensory part of the measure aimed at the removal of acknowledged evils, and it ought to be passed, because it would give general satisfaction to the people of Scotland. He hoped under those circumstances, the Bill would be favourably received by the Home Secretary, and that he would at all events support the first part of it.

Mr. M'LAREN said, he was not one of those who thought a great deal could be done by legislation in reference to the liquor traffic; but, at the same time, all that could be done in the way of improving it and lessening its evils ought, if possible, to be done. He should, therefore, give the Bill his support, if only on the ground that, under some of its clauses, benefit to Scotland would ensue, or benefit to a portion of Scotland. If, for instance, the Bill should be adopted in 50 parishes or small towns, he thought it would be well worth the trouble of passing it. He would support the Bill, if no more than that could be done; but he believed a great deal more than that would be done. There were very large districts in Scotland where there was no public-house; there was one district which, in the North, extended 30 miles in one direction, without a public-house. In other districts they might, in like manner, be enabled to keep down public-houses. Under the Bill, it was proposed that a Board should have power to buy the existing interest of licensed public-houses. [Sir ROBERT ANSTRUTHER: If the parties are willing to sell.] He was just going to say if the parties were willing to sell—willing to dispose of the business—just as a grocer or any other trader would dispose of his business; but, in this case of a publican, he would get an additional competitor for his business in the Board. Those remaining in the trade would be benefited rather than injured. It could not, at all events, be alleged that those who remained would sustain any injury by the addition of the new competition to the old. The clause which prevented grocers from selling liquors except in reputed quart bottles properly corked and sealed, was, he thought, a provision of great value, and, if for nothing else, the Bill ought to pass. Reference had been made by the hon. Member for Fife to the great diminution of the number of public-houses in Edinburgh, and the great increase of grocers' licences. He

knew something of that for the past 30 years, and this was how it happened—The magistrates refused a licence in a low neighbourhood for any good cause, and the house was thus disposed of; and so it was with another, and another in the same way. Then, perhaps, the parties applied to the magistrate to give them the grocers' licence, and his humane feelings coming to his assistance, he said—"Give him a grocer's licence; he can't do much harm." In one case after another that went on. Although a large number of respectable grocers refused to sell spirits in very small quantities, or to be drunk on the premises, a number of those in low neighbourhoods, and in small towns and villages, where the mischief was mainly done, sold small quantities, and in many cases the purchasers consumed the drink over the counter. To prevent grocers from thus selling over the counter was plainly enacted in the Bill. They would do away with a great deal of illicit drinking if they prohibited the grocer from selling less than a quart bottle duly corked and sealed. Another evil was alleged in connection with certain grocers in low neighbourhoods being allowed to sell small quantities of spirits. It was alleged—and was generally believed—that spirits were put down, being had by the wife, and paid for by the husband, in the account furnished by the grocer at the end of the week, under the name of some other article, as if no spirits were obtained. If nothing but quart bottles were sold, it would rarely happen that spirits could be put in the bill that way. Then, with regard to new licences, the proposal that no new licences should be allowed beyond the supplying of one public-house to every 700 of the population—that was one public-house for every 140 families. He thought one public-house for every 140 families was quite sufficient; and he would remind the House that the proposal of the Bill was much more liberal in this respect than Lord Aberdare's, as it gave only one public-house to 200 families. This was one-third more public-houses than Lord Aberdare proposed under his first Bill. The present Bill had been so fully discussed by the hon. Baronet the Member for Fife, that he did not consider it necessary to refer to all the clauses, but he should like to refer briefly to what had fallen from the hon. Baronet with refer-

ence to the statistics of the hon. Member for Londonderry (Mr. R. Smyth). The hon. Baronet said he did not know where the hon. Member for Londonderry got his figures, and threw doubts on their accuracy. He thought the hon. Baronet had been a little rash in making that imputation, because what the hon. Member for Londonderry did was this—In order to show the benefit which had accrued from the shutting up of public-houses on Sundays, he quoted the amount of spirits consumed in the year previous to the passing of the Forbes-Mackenzie Act, and he compared that with the amount consumed in 1871. He (Mr. M'Laren) believed the statement of the hon. Member was quite correct—that there had been a large decrease in drinking. The hon. Baronet had quoted some statistics of the consumption of spirits, but from the Returns he (Mr. M'Laren) had made it out to be as follows:—In 1869, 5,200,000 gallons; in 1870, 5,500,000 gallons; and in 1871, 5,600,000 gallons. The House—[Mr. M. T. BASS: Why don't you go on, and give us 1872?] He would come to that in his own way, at the proper time. The House would see that the increase in the years he had referred to was very gradual, although the population was largely increasing, particularly in the great towns, which were the centres of the consumption of spirits. Then all at once there was a great jump. The Chancellor of the Exchequer told them that last year the revenue from spirits had increased about £1,500,000, and in the year before that about £2,500,000, making an increase of about £4,000,000 of revenue on spirits in the Three Kingdoms during the last two years. Now, it was quite impossible that the state of prosperity of the working classes over the United Kingdom had not been participated in by those employed in Scotland, but it was not right to take these two exceptional years and say that they showed the regular drinking habits of the people. The hon. Member for Derby (Mr. M. T. Bass) had invited him to go on, and to state what the quantity was in 1872. That year the quantity consumed increased to 6,610,000 gallons. He had taken those figures from the authorized source—from the Inland Revenue accounts in the Library of the House. His hon. Friend said the consumption was

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about 200,000 gallons less—that it was 6,452,000—but the Inland Revenue said it was 6,610,000. Now, here was a leap of a million of gallons in one year; but it was in a time of exceptional prosperity and extravagant wages, a time when the coal miner was making 10s. a-day, and did not know what to do with his money. In 1873, the consumption had further increased by 200,000 gallons, the total being 6,832,000 gallons. It would be seen that the great increase was in 1872, and he contended that the statistics of the hon. Member for Londonderry were not incorrect, because he had not referred to any later year than 1871. Reference had also been made to drunkenness [in Glasgow and other large towns, and to the great number taken to the police offices and discharged; and here, likewise, he thought the hon. Baronet had fallen into an error. They were told that 28,000 persons were taken up in Glasgow in one year, as drunk, and discharged, without being brought before the magistrates. That seemed a startling thing; but it would not be so startling, if the hon. Baronet had taken into account the constant repetition of the same offenders. There were persons who were taken up two or three times a-week—in fact, who were never sober—but, supposing these persons were taken up only once a-week all the year round, each one of them was set down as 50 persons. The statistics showed that there were instances where drunkards spent a considerable portion of their lives in gaol—the terms for which they were sent generally being 10 or 20 days. The 28,000 then, did not mean 28,000 separate individuals, but 28,000 cases of persons taken up. One person, doubtless, had been taken up many times, and he thought that the real facts would prove that there had not been more than 6,000 separate individuals taken up and discharged without being brought before a magistrate. He alluded to this point, because he did not think it was at all conducive to the passing of a measure of the kind, that anything exaggerated or extravagant should be stated. For the reasons he had stated at the commencement of his speech, he should give his support to the Bill.

SIR MATTHEW WILSON hoped the House would reject the Bill. Its permissive character was highly objectionable, for in his opinion what the

House thought good and right for one part of the country should be extended to the whole, and made the law. The Bill would be an interference with the principles of Free Trade, for among other objectionable provisions, it contained a scheme for a large co-operative association for the sale of drink. It further proposed to confer on the holders of existing grocers' licences a monopoly to the exclusion of all others—a something which the House ought not to sanction. The regulation of the liquor trade was, to his mind, a very simple matter. When the House had restricted the number of houses and the number of hours during which drink should be sold, and had placed the trade under the supervision of the police, it would have done all it ought to do, and all that could be legitimately expected of it.

DR. CAMERON thought hon. Members who had listened to the debate must have had left on their minds the impression that Glasgow was the most drunken city in what some hon. Members—those who were not Representatives of Scotch constituencies—were apt to consider the most drunken country in the world. As one of the Representatives of the city in question, he begged to say a few words not merely concerning the Bill at present before the House, but in defence of the character of the country and of the city he represented. Not many days ago, the hon. Member for Dumbartonshire (Mr. Orr Ewing) had quoted elaborate statistics to prove that the consumption per head of alcohol or proof spirits in England was 30 per cent higher than in Scotland, and still higher than in Ireland. The great difference was, that in Scotland spirits were the national beverage, whereas in this country it was beer. It must be remembered, however, that beer contained a large amount of alcohol, and made people drunk quite as well as whisky; and it was shown by the hon. Member for Dumbartonshire that taking into account the amount of proof spirit contained in beer, the quantity of alcohol consumed in England was much greater per head than in Scotland. As to the reputation for drunkenness which Glasgow seemed to have acquired it was largely owing to the stringency with which the police provisions against drunkenness were enforced. The hon. Member for Fifeshire (Sir Robert Anstruther) had alluded to the fact that according to

Glasgow police Returns 28,000 drunk and disorderly persons had been taken into custody and discharged without being brought before the magistrate. The explanation of that was simple enough. In the first place, this number included not only drunken persons, but all people guilty of disorderly conduct, whether induced by drink or not. In the second place, owing to the great stringency with which the police regulations were enforced, the police lieutenants were allowed a discretionary power to permit persons accused of trifling offences to go out on leaving pledges, and as those pledges were generally of small amount, the consequence was, that the great majority of persons so released did not think it worth while to present themselves for trial. As to the working of the Forbes-Mackenzie Act, the hon. Baronet had passed some strictures upon the Motion of the hon. Member (Mr. R. Smyth) who desired to extend certain of its provisions to Ireland. He (Dr. Cameron) had no statistics by him to show how very greatly the working of the Forbes-Mackenzie Act had tended to the decrease of drunkenness; but those statistics, in a very conclusive form, were to be found in the police Returns of the City of Edinburgh. In Glasgow, also hardly one-tenth of the number of people were arrested for drunkenness and disorderly conduct on Sundays as were arrested on week days. It was his intention to support the second reading of this Bill, because it contained what he considered a valuable provision—namely, that for the reduction of the number of public-houses. In Glasgow they had one public-house to every 300 or 350 of the inhabitants. He was not at all so clear, however, of his approving of that part of the Bill which applied to the Gothenburg system. That system, he maintained, was yet upon its trial. The hon. Baronet the Member for Fifeshire had brought forward statistics to show that it had succeeded. He had mentioned, however, that a deputation which went over from Edinburgh to examine into the working of the system had reported quite differently; and in order to account for that difference, he had hinted that the deputation were actuated in the drawing up of their report by envy, hatred, malice, and all uncharitableness. He did not think the hon. Baronet was justified in coming

to that conclusion; at any rate, as much had been said against the system as in favour of it. For another reason he would not support this part of the hon. Baronet's Bill; it did not please the temperance party; it did not please the publican party—no considerable body of the people, in fact, cared one farthing about it. In Glasgow the Elections to a considerable extent turned on the question of licensing and temperance *versus* spirit-trade. Yet he was only spoken to on the subject of the Bill by two constituents out of a constituency of 54,000. The hon. Member for North Lanarkshire (Sir Edward Colebrooke) had objected to the Bill, on the ground that in regard to the number of licences it did not give sufficient discretion to local authorities. Now, it seemed to him (Dr. Cameron) there was a great want in that direction already. In the first place, the electors chose their magistrates to a large extent in consequence of their leaning towards restriction, or otherwise, in the number of public-houses. Now, those magistrates were thoroughly acquainted with the wants of the districts over which they presided; but their decisions were liable to be overturned by the justices in the case of burghs, and of the quarter sessions in the case of counties. Another discretionary power that could be very easily introduced was, that of allowing them to grant licences for early closing public-houses. Till lately it was thought they had this power, and the magistrates of Rothesay granted licences for public-houses in a certain district to shut an hour earlier than was usual. Several publicans appealed to the Court of Session, which decided in their favour, and that decision had the other day been confirmed by the House of Lords. Now, a measure reversing that decision, and making the law as it was thought to be before the decision of the Court of Session, would allow a very useful discretion to the magistrates, without the introduction of any such revolutionary system as that of Gothenburg. Nor did he see that any case had been made out for legislation with regard to the introduction of that system, even admitting it to be most desirable. The hon. Member had told them the company in Gothenburg started without any money, and had now become very rich. Why should that not be done

in Scotland as well as in Sweden? If such were to be the results, he was sure, what between philanthropy and desire to make money, there would be no difficulty in getting parties to join in the scheme. Therefore, on that ground no legislation was necessary. He thought, notwithstanding what had been said to the contrary, that a number of objections urged by the temperance party were valid and good. The chief objection was that by becoming proprietors of public-houses, burghal authorities would have a motive to increase the sale of spirits. The hon. Baronet denied that it would be so; but he thought the House would agree that that had been the effect whenever the authorities had such power. Quack medicines were licensed, and did not the country grant every facility for the sale of quack medicines? The other day they had had an eloquent denunciation of the evils of betting from the Treasury Bench, yet the Post Office, touching the unclean thing, ran special wires to every race meeting, and boasted of the revenue it derived from the telegraphing of betting quotations. Government lotteries formed another instance of the same kind. So far as the Gothenburg system was concerned, he had shown it was not necessary to legislate in order to permit its introduction, if it was as successful as had been represented; and he had shown also that it was most undesirable that the liquor traffic should be put in the hands of the local authorities, and that they should be exposed to the temptation of deriving a profit from it. On the other hand, he considered the first part of the Bill most valuable, and he would have supported the second reading, even if he had not been led to understand the hon. Baronet willing to divide it into two parts.

Mr. FORDYCE said, that as his name was on the back of the Bill, he trusted he might be allowed to state in a very few sentences why he supported it. He had no doubt in his own mind that the drunkenness of Scotland required some measure of the sort—he meant a Bill having more powerful control over the liquor traffic, and furnishing some means of getting rid of a number of public-houses, or, at all events, preventing their increase. The statistics furnished by the hon. Member for Fifeshire (Sir Robert Anstruther) were sufficient evi-

dence that the drunkenness of Scotland called for some measures similar to that now before them. He thought, moreover, that the people of Scotland desired some such measure. It might be said that if such was the case, how came it that they did not petition largely in its favour? It must be borne in mind that they had all just returned from contact with their constituents, and were supposed to be fully in possession of their opinions, so that it was unnecessary for them to petition. It must also be remembered that there had been no Petitions against the Bill, or, at all events, only two, and they were founded on a misconception of the real nature of the measure. Apart from that, they had evidence as to the feelings of the people. He referred to the action of the Church—to the resolution passed year after year by the General Assembly, the Free Church Assembly, and the Synod of the United Presbyterian Church. At the licensing Courts, also, they were always urged to diminish the number of public-houses. Then the views of two very important classes were unrepresented in the House, but whose opinions they were bound to take into account. They heard of women's questions. Now, if there was a question on which women had a right to express an opinion, it was that now before them, for in Scotland it was the case that men drank, and women bore the consequences. Then the agricultural labourers took a deep interest in the question, and there was surely something rotten in our system somewhere when they found the people asking the Legislature year after year to protect their virtue by removing temptations which were too strong for them. He supported the Bill because it proposed something practical. The scheme had been tried with success, as they had heard, in Sweden and Norway. Now, the Swedes in their drinking habits bore a close resemblance to the Scotch, and there was no reason why the same system should not be worked with the same success in both countries. He supported the Bill also as a step in the direction of the Permissive Bill, and he could not understand anyone supporting the Permissive Bill and refusing to support the measure now before them. They both seemed to him to agree in the main point—namely, throwing the control of the public-houses into the hands of the ratepayers, and removing

it from those who had often an interest in promoting the sale of drink. He was rather surprised to find that in many parts of the country it was objected to the Bill that it threw so much power into the hands of the ratepayers. But was there anything novel in that? What had been the course of legislation during the last 20 years? Why, simply to throw everything into the hands of the community. They had now the choice of Poor Law Boards, Road Boards, and their School Boards, and now in Scotland they proposed to give them the power of appointing their clergy. Surely, after that, the liquor traffic was safe in the hands of the community. His only apprehension was, that unless these Boards were amalgamated in some way, life would be spent in a continual series of elections. It was for some such reasons as these that he supported the Bill, without going into its details, which could be discussed afterwards in Committee. He admitted that the Bill was not perfect, but it was a step in the right direction. It was a defect in the measure which he should like to see remedied, that any parish or community adopting it could not afterwards give it up. He thought it was one of the good features of the Bill that it did not interfere with the small beer or ale traffic, which was a wholesome one, and so trifling in Scotland that the proportion of licences to the population was only 1 in 10,000. He trusted that the Government would not oppose the second reading of the Bill. The right hon. and learned Lord Advocate had informed them at the commencement of the Session that Scotch interests were not to be neglected, and he had no doubt that the right hon. and learned Lord had pressed that matter on the Government. He trusted that the hon. Member for Fifeshire would be able to get a second reading; or, at all events, a Select Committee to inquire into the whole of the circumstances. He believed that the hon. Baronet had had the honour of introducing a Bill which afterwards formed the basis of the measure introduced by Lord Aberdare, and he trusted that he might also have the merit of initiating legislation on this subject in Scotland.

SIR WILFRID LAWSON said, that that Parliament, according to many accounts, had been elected to do nothing,

and that the policy of the Government, according to other accounts, was one of "silence and of consideration." But there was one question on which neither the Parliament nor the Government could be idle or silent—that was the liquor question. They could not keep from drink. That might be said to be the irrepressible question of British politics, for in the House at that moment there were no fewer than seven Bills dealing with the licensing laws and the liquor traffic, and on the backs of those Bills were the names of no fewer than 30 hon. Members. Of those Bills, only one applied to the whole Kingdom, and that was his own; three of the remainder being intended to apply solely to Ireland, two to England, and the remaining one to Scotland. It was rather remarkable that a respected and influential Scotch Member should devote himself to altering the licensing laws of Scotland, for these laws had been revised and re-revised, and were now more strict than the laws of England and Ireland, and it showed the tendency of public opinion on the question when an hon. Member came forward to say that they were not strict enough. Of course, it was very pleasing to him (Sir Wilfrid Lawson) to see all these hon. Gentlemen working at the liquor laws. They were everyone of them doing what he had been abused for doing all his Parliamentary life—namely, trying to make men sober by Act of Parliament, for the principle of every one of the Bills before the House was to limit the temptation to the consumption of drink. The Sunday Bill was intended to limit the consumption of drink for a short time on Sunday; his Bill was intended to limit the consumption on Monday as well as Sunday, because he could not conceive that what produced evil on Sunday would not produce evil on Monday as well; and even the Bill of the right hon. Gentleman opposite, the Secretary of State for the Home Department—perhaps, considering all the circumstances, the worst Bill ever laid before Parliament—went in that direction. The right hon. Gentleman said that its object was to bring better men into the trade, and the only object the right hon. Gentleman could have in bringing better men into the trade must be that they might sell less drink. He congratulated the hon. Baronet the Member for Fifeshire (Sir

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Robert Anstruther) on the reception his Bill had obtained in the House. He specially liked that part of it which dealt with grocers' licences, and thought the hon. Member for Edinburgh's allusion to corked and sealed bottles a most excellent one. Properly corked and sealed bottles would do little harm so long as the corks remained in them. He also liked the suspensory provisions of the Bill. It was proposed to give no more than one public-house to every 700 of the population. It was a pity the number had not been fixed at 7,000, but that was a defect which could be remedied in Committee. There were also other restrictive propositions which he cordially supported. The second part of the Bill was permissive, and if the Committee did not accept that, there was no reason why they should not accept the first. He thought it might be objected to the Bill of his hon. Friend that there was something of centralization about it, and it certainly did look rather like that. He did not know, however, that that was a very great objection to the Bill. It was merely bringing more establishments under the control of the Government. At present the Government had the Post Office in their hands; the Telegraphs were also in their hands, and now there was a scheme for the Government taking the Railways into their hands. If ever the Government should acquire the public-houses—a proceeding to which, he must say, he was decidedly opposed—they would then evidently have a new Minister of Public Houses, who would be the Chief Publican, or Her Majesty's Purveyor of Drink; and, when a Liberal Government came into power again, that office would be filled by the hon. Member for Southwark (Mr. Locke), or the hon. Member for Derby (Mr. M. T. Bass). That was a provision that was calculated to make any one opposed to the liquor traffic very uneasy at the scheme proposed by the hon. Gentleman, and the very idea that the public was to become in any way more involved in, and responsible for, that traffic, at once gave rise to alarm in the minds of very many persons. It was natural, too, that they should become uneasy when they saw what had been written concerning this trade by some of the greatest authorities. *The Edinburgh Review* had strongly denounced it as a public evil; and even

The *Daily Telegraph*, which supported the trade, spoke of it as "a covenant with sin and death." People read those things and, as he had said before, would naturally become more uneasy when they saw that they were to become partners in such a business. Hence, a great opposition had been got up to the scheme in Scotland, and a large meeting convened by some eminent citizens of Edinburgh—had been held against it. At that meeting was passed a resolution, that it viewed with alarm the proposal made for transferring the traffic from private individuals to local bodies which were to divide the profits, thereby involving every ratepayer in the carrying of a war against the best interests of society. If he thought that the Bill of the hon. Baronet would more largely involve the ratepayers in the evils and wrongs of this traffic than they were involved now, he certainly should give it the same opposition as was expressed at the meeting at Edinburgh. He could not see, however, that the public would be more involved in the guilt of this thing—this "unclean thing," as the hon. Member forcibly called it—by the passing of the Bill than it was at present. What did they do now? They, the public, elected the House of Commons, and the Government were only a Committee of the House. At present they permitted this trade to be carried on by a certain number of people. They said to them—"Give us so much money for a licence, and you may carry on this trade." The Government did not make any allowance for the misery, the pauperism, and the crime which resulted from the traffic; and it seemed to him that this involved the public as much as the scheme of the hon. Baronet would. He did not see that it was more wrong, more injurious, or more demoralizing to depute a certain number of men sitting at a local board to sell drink, than it was at present for the Government to sell the right to sell to anyone that came and chose to give the money for it. Again, he thought it might be said that, if in some places the action taken under the Bill of his hon. Friend, should it become law, should bring the evils of the traffic more home to the minds of good citizens than had been the case heretofore, and show the moral and horrible responsibility involved in it, it would be a step in the right direction. At the same

time, he did not think he could honestly oppose the Bill on the ground that it would be likely to extend those evils; and that being so, all he had to consider, as a friend of temperance—and they were all friends of temperance—he was for temperance, and for promoting it by placing difficulties in the way of getting drink, the only difference between them being how it was to be obtained—was the nature of the scheme itself, and would it tend towards any improvement. His hon. Friend had taken the Gothenburg system as his model. In reference to that system, it should be remembered that in Sweden, in 1855, there was virtually free trade in drink; and if any hon. Member had a hankering after free trade in drink, he would advise him to see how it acted in Sweden in 1855. After 1855 a more restrictive system was tried, and a great improvement was the result; but it would be difficult to trace that result to its real cause without getting at all the circumstances which bore upon it. Some gentlemen who had gone to Sweden to inform themselves as to the causes of this improvement found that various opinions existed upon the subject. It was attributed by an American to the increase of Dissenters, to the Established Church, to temperance societies, and to cheap porter. Now, he (Sir Wilfrid Lawson) believed that the improvement which arose at Gothenburg after the application of the Gothenburg system there, arose really from the diminution in the number of the public-houses. The public-houses were reduced by about 17. The point of the Gothenburg scheme was, that no proprietor or manager of a public-house should derive any profit from the sale of spirits. But did not his hon. Friend know that the sale of beer or porter conducted to drunkenness also, although it might be in some less degree? To uphold beer or porter was to go back to the doctrine which was held 40 years ago, when gentlemen anxious to put down drunkenness, said the way was to destroy the publican's monopoly, and let the people have cheap beer. Their ideas were adopted, and then there came free trade in beer. The hon. Gentleman thought that publicans were very strong. Let him tell the hon. Gentleman that they were strong at the time to which he referred; for the Duke of Wellington declared on the occasion

to which he referred, that the victory which was then achieved over the publicans was as great as that which had been achieved over Napoleon at Waterloo. The result was, that only a few months after the Act for cheap beer had been passed, Sydney Smith wrote—"The Beer Bill has begun to work. Everyone not singing is sprawling. The sovereign people is in a beastly state." The profits of the public company thus established at Gothenburg appeared to be about £10,000 per annum. But if that was so, he thought the fact would operate as a great temptation to the body that would carry on the trade. The publican had a temptation to put money in his pocket, and he much feared that the same temptation would exist in another form if the Bill were passed. It would be of no use laying down rules; for it would always be a problem to know when a customer had had as much as was necessary and when more should be refused him. Mr. Carnegie himself said it was difficult to say when a man was overloaded, or was below what might be considered the Plimsoll-line state of things, and he (Sir Wilfrid Lawson) was very much afraid that the keepers of public-houses would never be able to find exactly the line of safety. But let not the House suppose that the Gothenburg system was all that could be desired. Cases of drunkenness had lately been slightly on the increase there, and he believed there were more people there per annum who were arrested for drunkenness, in proportion to its population, than there were in the City of Edinburgh, respecting which they had heard some portentous statistics that very day. It had been said that the gentlemen who had reported on the Gothenburg system had done so with a foregone conclusion. But they had not done so, and when they came home they gave not their opinions, but facts, and, as far as he knew, those facts had never been controverted. They found the drinking establishments there very much like our ordinary drinking houses in England and Scotland. They noticed that in 17 minutes 83 persons went in, took their dram, and went away; and on one market day 102 persons went in in 25 minutes, took their drams, and went away—doing the very thing, in fact, that his hon. Friend wanted to do away with. The curious thing was, that only four

persons called for coffee, and they all took brandy with it. He hoped his hon. Friend would not suppose he was running down his scheme unfairly, all he wished was to remind the House that there were objections that ought to be brought against it. Even Bruce's Act had its faults, and holes could be picked out in it. The Home Secretary had been trying to do so lately, with very poor success, though, doubtless, he would get up something before the Government Licensing Bill came on again. What he wished to state, however, was that things would have been much worse if they had not had these changes. In England and it did seem probable that in Gothenburg, things might have been worse if it had not been for this effort, and he could see no valid reason why the people of this country should not have an opportunity of trying whether it would not have an improving effect here also. He should, for one, not stand up against a measure, because he could not see things eye to eye with its promoters in every detail. If the Bill were carried, it would be a protest against the present system; and he would urge the Government, if they could not concede the whole Bill, at any rate to concede its suspensory powers. He thought the House might give the Bill a second reading, if it would give any satisfaction to the constituents and countrymen of the hon. Baronet. Moreover, it did to some extent recognize the only true principle in these matters, which was that the real way to stop drunkenness was to limit the temptation to the consumption of that which caused the greater part of the sins, the sorrows, and the sufferings of the people of this country.

Mr. LYON PLAYFAIR said, it appeared to him that they could not obtain sobriety for the population merely by restrictive licensing measures. It was by education alone, and by the general elevation of the people that they could ever hope to succeed, but the country could not wait for that. Improvements in the habits of the working men were not advancing at the rate which was desired, and he agreed with the spirit of the Bill, that it was desirable to restrict a trade which produced, when carried on improperly, such evil consequences. The Scotch Members were all agreed that the licensing system was not in a satisfactory condition, and that it should be

Sir Wilfrid Lawson

put in a satisfactory condition as soon as possible. The Bill was a moderate one, and for his own part, he would be willing to accept it as it stood with a view to amendment in Committee. Although there had been no great expression of the opinion of the people of Scotland, there had been no opposition, as there would have been, if it had interfered with their comforts or their habits. He did not know what the views of the Government were, but he thought they might allow the suspensory clauses to be passed, on the ground that they would not injuriously affect the rights of the people. This would at all events give time for the Scotch people to consider the nature of the proposals in the adoptive part of the Bill, and to give a more direct expression of their views than the House had yet before it.

MR. RAMSAY said, that so much had been said as to the unfortunate habits of his countrymen, that he would like to bring one point under the notice of the House before the close of this discussion. It had been truly said that the quantity of spirits consumed in Scotland had decreased within the past 20 years. There was no doubt as to that point, but there might be differences of opinion as to the cause of the discrepancies which had occurred in the annual quantities. In 1853, the quantity of spirits consumed in Scotland was upwards of 7,000,000 gallons, and in 1873, after a period of 20 years, during which the population of Scotland had much increased, the consumption of spirits was under 6,500,000 gallons. Those figures he found in Returns in the Library of the House. Now, it was somewhat singular, if the consumption of alcohol by the people of Scotland was confined to the consumption of alcohol in spirits, that they should hear so much of increased drunkenness when the population had increased, and the quantity consumed had decreased. He did not rise to disapprove of the general principle of the Bill. He had no objection to that; but he thought the House ought to remember, in discussing a question of the kind, that there had not only been a change in the condition of the population during those 20 years, but there had been a great change in the amount of duty charged on ardent spirits in Scotland. In 1853 it was only 3s. 8d. per proof gallon. Since then, the duty had been increased

by different stages to 10s. per proof gallon. The consequence was, that the consumption of spirits had fallen from 7,000,000 to something over 6,000,000 gallons, thus proving that people had a certain portion of their income to spend in what might be deemed a luxury, though it might be a hurtful luxury, and that when the price was increased, they did not purchase so much as they did before. The gradual increase in drunkenness was disputed. No one could regret more than he did that the working classes had not taken advantage of the increased rate of wages during the last few years to acquire that degree of independence that they ought to acquire for the future. He hoped that the day was not far distant when their condition in these respects would be much raised and improved. They could not make people sober by Act of Parliament, but they might promote morality by diffusing education, and he trusted that the standard of elementary education instead of being lowered as it had been lately in that House would be raised for all classes. It had been mentioned that alcohol was used in this country in different forms, but alcohol was used in every country in Europe in some form or other—a fact which was well worthy of the attention of the hon. Member for Carlisle. In France, which they often heard quoted as a sober nation, if they took the quantity of alcohol used in the wines consumed, the quantity per head was in much greater proportion in France than in Scotland, and tested in this way, instead of the Scotch consuming the most alcohol they consumed less than any nation in Europe. He would like to see the evils which did exist abated; but he did not see that by any course of legislation it was possible to diminish or prevent drunkenness.

SIR EARDLEY WILMOT said, he quite agreed with many hon. Gentlemen who had spoken, that it would be very desirable if the hon. Baronet who had introduced the measure would be willing to confine its operation to the first few clauses. He could not say with what gratification he had listened to his speech, or with what interest he had attended to the various facts on which he had based the support of his measure; and he hoped that Her Majesty's Government would see their way to assent to the second reading, with a view of hereafter

making considerable alteration in Committee. Two matters in the early portion of the Bill struck him much, which perhaps the hon. Baronet would alter. He alluded to the portion relating to the rural districts, where it was proposed that no house should be licensed within two miles of any other. It appeared to him that that might occasion hardship to the poor, if they were obliged to go two miles for the drink of which they were in search. Another provision was that in which the grocers were to be obliged to sell spirits in no less quantities than quarts. He was glad that the grocers had been brought before the House, because great dissatisfaction had been expressed on the discussion of the licensing question, that grocers should be allowed to sell spirits at later hours than the publicans themselves. A man might be turned out of a public-house at a late hour, and might go into a grocer's shop next door, and purchase spirits to take away and drink at home. It appeared to him to be a great objection that persons should be allowed in these places to drink glasses of whisky over the counter, but it was also an objection that they were now to be obliged to take so large a quantity as a quart at one time. With these two exceptions, he congratulated the hon. Gentleman on the Bill.

Mr. KINNAIRD said, he also hoped that the right hon. Gentleman the Secretary of State for the Home Department would consent to the Bill being read a second time, and allow it to go into Committee. During the Recess last year he had an opportunity of visiting Gothenburg, and he made special inquiries as to the operation of the licensing system there. Those who remembered Gothenburg in former days knew it as a place where it was common to see people drunk in the streets. Drunkenness, however, had now diminished to an extent which would justify the House in making a similar experiment in Scotland. As a matter of fact, food was always given with spirits in Sweden; and it was well known that spirits were less intoxicating when taken with food than when taken alone.

Mr. ASSHETON CROSS said, he had listened during the debate to the opinions expressed on the various sides of the House with regard to the means proposed in the Bill, and he certainly thought the hon. Baronet who had in-

troduced the measure (Sir Robert Anstruther) had succeeded in showing that one might draw very different conclusions from the same statistics. Not long ago the House had statistics with regard to Ireland, now they had statistics on the same facts in regard to Scotland, and two directly opposite results had been laid before the House as derived from those statistics. At the same time, he was bound to say that when they found that in 1869 the quantity of spirits consumed in Scotland was 5,250,000 gallons a-year; in 1872 6,500,000; and that in 1873 the amount approached not very far short of 7,000,000 gallons; and when they found that the amount per head consumed in 1869 was 1·57 gallons; in 1872, 1·92; and in 1873 that it was 2·3 gallons per head, it showed a very different state of things, and it certainly agreed with what he was bound to lay before the House not long ago—namely, that the greatly increased consumption of spirits was really owing in a great measure to the large amount of wages which were thrown into the hands of those who were employed. Not only by the large increase of wages they had received, but by the sudden increase, they had really had more money placed in their hands than they knew what to do with, and they spent it in the gratification of the desires of the day. They had not known what advantage they could get out of money properly used, or the great gratification and pleasure they might have had if they had spent it in other ways. Through the formation of public opinion and the spread of education, he hoped that before long a considerable change would be effected in the habits of the people, and although he disagreed with the means proposed by the hon. Member for Carlisle for the purpose of making a difference in the consumption of liquor, yet he believed he and his friends did a considerable amount of good all over the country in endeavouring to form public opinion, especially among the working classes. He should be glad to see that opinion increased. For a man to be drunk, in whatever circumstances he might be, was a disgrace, and ought to be considered a disgrace; because if once they got the feeling that it was a disgrace to be drunk, more would be done to stop drinking than could be done by any Act of Parliament. He was

ed to say for his own county that he
ved the idea was largely spreading
ng a great number of operatives,
ally among those connected with
ous bodies, and he believed with
l results. He was not going to enter
any general remedy for the state of
gawhich it was proposed to remedy,
use he should have an opportunity
ntering into that before long; but
ould say now, in respect of that
—the Government Licensing Bill—
there had been a misunderstanding
ome hon. Members of the House,
a portion of the public, as to the
t of that measure, which he believed
ld be practically, to a great extent,
away with the evil which was now
uch deplored. With regard to the
they had before them, he quite ad-
ed that the case of Scotland might
is matter be different from that of
parts of the Kingdom. They had
Forbes-Mackenzie Act in operation
several years. He could not say the
it of the passing of that Act had
anted anything like the eulogy
h had been passed upon it; but he
ved that when they took the case
otland, restrictions of that particu-
haracter did not prove effectual in
ong run. If they examined care-
into the statistics of Scotland, they
ld not find that any great benefit
accrued from the Forbes-Mackenzie

The hon. Baronet who had intro-
d the Bill wanted them to follow a
m which had come into operation
part of Sweden around Gothenburg;
before they could take such a step,
ought to be in possession of better
mation than the House was now in
ession of. The House knew nothing
it it; they had heard a small pamph-
quoted that day, but they had not
general knowledge on the subject,
they must remember that an Act
h might work well in such a small
might not possibly work well in
a city as London. The notion of
ng a Board, sanctioned by the State,
ay up all the public-houses in Lon-
and to have all the public-houses in
lon in one hand, or to make them all
into the hands of the Government,
a notion which he, for one, certainly
ght they could not dwell upon with
serious consideration, nor did he
k he need show how that would be
fering with the freedom of trade.

He did not see why, if that were sanc-
tioned, there should not be a great com-
pany formed by the State for buying up
all the coal mines and other mines, and
he did not see where they could stop.
Certainly that was not a principle which
he could recommend the House for one
moment to take into consideration. That
was the greater part of the Bill they
had in hand. He thought it was rather
a strong measure for an hon. Member to
say—"There is a Bill laid before you,
and you are to read it a second time, and
then summarily reject all the clauses but
the first six," for he had understood the
hon. Baronet to say that if they read the
Bill a second time, he would then with-
draw all the clauses but the first six.
That being so, let them see what the first
six clauses consisted of. The first two
were declaratory, and therefore there
were only four. Two of these clauses
were practically one, and related to the
sale of spirits by the grocer. That was
a question which he should be glad to
hear argued in the House, in order that
a just opinion might be formed upon it.
The clause which was to prevent a grocer
selling spirits in any smaller quantity
than one quart bottle was well worthy of
the consideration of the House. He did
not see why a grocer was to sell a smaller
quantity than that proposed, especially
when, according to the testimony of
Scotch Members, the selling of small
quantities by grocers had produced great
evils all over the country. It was, there-
fore, well worthy the consideration of
the House that the law of Scotland as
regarded grocers should be brought into
harmony with the law of England, and
that the grocers should not sell less
quantities than quart bottles. The 3rd
clause of the Bill asked the House to
suspend the granting of any new licences
in any town or populous place in which
the number of licensed houses should
exceed the proportion of one such house
to every 700 of the population, and in
rural districts in respect of premises
situate within two miles of any other
premises in respect of which a certificate
had been granted. That, he understood,
rather followed the Bill of his immediate
Predecessor for suspending the granting
of licences, except under certain condi-
tions; but the hon. Baronet forgot that
there was one great difference between
the present Motion and the one brought
in by Lord Aberdare. Lord Aberdare

pose of considering subjects of the kind? He hoped the House would reject the Bill, which sought to do away with a statute that had proved most useful, and that had never been used for purposes of oppression. He must therefore give the Motion a decided negative, and move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Attorney General for Ireland.*)

MR. BUTT said, the very fact of oppressive use having been made of the Act furnished a strong argument for its repeal. Moreover, the Bill had been introduced in consequence of an article in *The Times* inviting Irish Members to bring forward and discuss in that House practical measures for the redress of their country's grievances. He held that the Act of 1793, which might have been suited for the troublesome times of the French Revolution, and which was adopted in Ireland at a period when the Habeas Corpus Act was suspended in England, was not needed now and ought to be abolished. No man in Ireland was mad enough to think of setting up a body to usurp the functions of Parliament, and, moreover, even if it were otherwise, the Common Law on which that particular statute was by its authors avowedly based, was sufficient to meet any such case. He would therefore suggest that the Government should allow the Bill to be read a second time, striking out those clauses which were covered by the Common Law. The stringent character of that arbitrary statute might be judged of from the fact that when the Irish Church was disestablished it was necessary to insert in the Act disestablishing it a clause specially providing that the meetings of the Episcopalian Synod should not be deemed illegal. If the Bishops of that Church when it was about to be disestablished had convened their clergy and laity to meet to set their house in order, they would thus have brought themselves within the penalties of the Act of 1793. He wanted to know whether the Presbyterian Synod, professedly a representative body, or the Convention of the Methodist Church were illegal assemblies? He had himself attended meetings of delegates of the working classes

in England on the subject of the Factory Acts. If hon. Members did that in Ireland, they would be liable to two years' imprisonment, and, under the new prison regulations, might be made to wear the prison dress, live on the prison fare, have their hair cropped, and clean out their own cells. He said that a law of that kind ought not to be continued, and if it was not meant to be enforced, its retention on the Statute Book was the less defensible.

MR. FORSYTH said, he wished to remind Irish Members who were indignant at the existence of such stringent legislation as regarded public meetings in Ireland, that even more stringent enactments on that subject now existed in England. Among them was an Act of George III. to prevent the election or appointment of any unlawful assembly, under the pretence of presenting Petitions or Addresses to the Crown or to Parliament. By an Act of Parliament of Charles II., which had not been repealed, great restrictions were also placed upon the holding of meetings, the ostensible object of which was to adopt Petitions to His Majesty or to Parliament. Then, by the Act of George III., it was required that meetings of more than 50 persons, except county meetings, should not be held without certain notice, and declared that if held without such notice they would be deemed unlawful. An Act passed in 1846, on the same subject, recited the provisions of the last-mentioned statute, and modified its stringency to the extent only of requiring that proceedings under it should not be taken except in the name of the Law Officers of the Crown. There was thus, in point of fact, a still more rigorous law applying to England than to Ireland. The object of the Irish Act of 33 George III., the one under notice, was simply to prevent the holding of conventions in imitation of Parliament, and the establishment of an *imperium in imperio*; and of all times the present seemed to him the most unsuitable for a proposal to repeal that law, bearing in mind that the hon. and learned Member for Limerick had given Notice of a Motion in favour of Home Rule.

SIR GEORGE BOWYER maintained that the Act applied, or might be made to apply to assemblies which were not of the nature of a convention in imitation of Parliament, and which did not en-

each either upon the Prerogatives of the Crown or the Privileges of Parliament, and it was impossible to tell what might happen under it at a time when there were corrupt Judges. With regard to the English statutes, to which reference had just been made, he was under the impression they were repealed. [Mr. FORSYTH: No.] Then they ought to be, for he looked upon them as practically obsolete; and he undertook to bring forward a Bill in the course of the present Session with that object. He trusted the House would not hesitate to pass the measure now before it.

Mr. CONOLLY said, he thought there was no quality more remarkable in the hon. and learned Gentleman opposite (Mr. Butt) than his consummate coolness. He and others who acted with him were themselves indictable under the Act which they sought to have repealed. [Mr. BUTT: Hear, hear!] The hon. and learned Gentleman owned the soft impeachment, and, no doubt, within 24 hours after the passing of the Bill, he would proclaim throughout the length and breadth of Ireland, that he intended to hold his mock Parliament in College Green. Without doubt, he and those with him would shrink from nothing, however illegal or unconstitutional. ["Oh, oh!"]

Mr. BUTT: I rise to Order. I move that the hon. Member's words be taken down.

Mr. CONOLLY said, he withdrew the words with great pleasure.

Mr. SPEAKER: It being moved that the words be taken down, let them be taken down accordingly.

Mr. CONOLLY apologized to the House for having, in the course of an illustration of his meaning, gone further than he had intended, and to hon. Gentlemen opposite for having used words which seemed to have given them offence.

Mr. SPEAKER: Does the hon. Gentleman withdraw the words?

Mr. CONOLLY said, he readily withdrew them; but wished, at the same time, to express his conviction that those hon. Gentlemen would go any length, within the law, in order to make it appear that public opinion in Ireland approved their scheme for a separate Legislature, and were even prepared to hold a convention in Dublin for the purpose. In fact, they had held a convention there already, and had thus made

themselves liable to the penalties of the law. But for the fact that we were living under a most forbearing Government, and at a time when there was no wish to execute the law in all its rigour, these gentlemen would now be suffering for what they had done. Under these circumstances, it was strange that they should be so squeamish as to object to the language which had been used. The truth must be told sometimes, however inconvenient to hon. Gentlemen opposite; and as one knowing Ireland well, he must affirm that they themselves held very different language on the other side of the water from that which was heard from them in this House; for in Ireland, they brooked no opposition, and sought to ride roughshod over the country, making people fear that their very lives and homes would not be safe.

Mr. R. SMYTH: I am not a little surprised to hear from the hon. Member for Donegal (Mr. Conolly) such an alarming account of the state of matters in those parts of Ireland which have fallen under his special observation. Of course, no one knows so well as the hon. Gentleman himself through what trying ordeals he had to pass in seeking a return to this House; but I may say that at the recent General Election I had to engage in conflicts similar to those which excited the county of Donegal, in the county which adjoins it (Londonderry), and although it is well known that a considerable minority of the population of that county hold opinions in harmony with those of the hon. and learned Member for Limerick (Mr. Butt), I saw no attempt to disturb the peace, or to do anything that could, with any colour of justice, be designated as "riding roughshod" over their opponents. The hon. Member for Donegal may have had experiences exceptionally disheartening; but there is no reason why he should permit himself to draw conclusions of a sweeping and alarming character. For my part, I am not aware of any means being, at this moment, resorted to in Ireland for the propagation of political sentiments, or for the advancement of peculiar theories of government that are not perfectly constitutional; and if we do not like them, we have constitutional means of opposing them. These alarmist pictures may have an effect upon hon. Gentlemen who do

know Ireland; but they cannot possibly govern the votes of any Members of this House who are able to look beneath the surface of affairs in that country. With regard to the Bill now before the House, I am bound to give it my support, for a reason which I shall briefly assign. We have it on the authority of the right hon. and learned Gentleman the Attorney General for Ireland, that an assembly is illegal in that country, not because of any illegality or treasonable object in the matters brought before it, but solely for the representative character of the meeting itself. If it is a delegated assembly and deals with constitutional politics, it is illegal. [Mr. BUTT: Hear, hear.] The hon. and learned Member behind me coincides in opinion with the Attorney General, as indeed, I believe, he made clear in his own speech. Well, then, according to that interpretation of the Convention Act, I am sure the General Assembly of the Presbyterian Church in Ireland has frequently, in recent years, committed illegal acts without being aware of it. It has petitioned Parliament, it has discussed questions fundamental to the Irish Constitution in Church and State; and, in doing so, has transgressed. Why do I say so? The Presbyterian General Assembly in Ireland is a delegated body. Its members are sent there from congregations scattered throughout the four provinces of Ireland. They are not fortuitously brought together, but regularly commissioned. Now, in 1868, certain Resolutions were carried in the House of Commons, and a Suspensory Bill was also carried, founded on those Resolutions, the object of which was to change the Constitution of the Irish Church, and, in fact, to sever its connection with the State. The General Assembly met shortly afterwards, and, not having any fear of the Convention Act before its eyes, actually discussed that Suspensory Bill, passed resolutions of its own, which were forwarded to the Prime Minister, and, in so doing, violated the law as laid down to-day on high legal authority. Do I blame the General Assembly? I do not; but I want it hereafter to do its work, even when semi-political, under the sanction of law. A law is bad that cannot be enforced, because it tends to weaken the respect of the people for authority. I am well aware that no sane Government would interfere with

Ecclesiastical Assemblies in their deliberations; but it is curious that in the Act of 1869, for disestablishing the Irish Church, it is expressly provided that the representative body of the Protestant Episcopal Church may meet and deliberate, anything in the Convention Act notwithstanding. I, as a Presbyterian, am not content to live on sufferance, while my neighbours are living in the midst of privilege. I have no doubt that the Presbyterian Assembly will go on in its old way; but why should the members be made to feel that some day a Government of the future, having more legal knowledge than political discretion, may come down upon it with pains and penalties for discussing some great subject lying at the foundation of the Constitution and of liberty? The Government may wish to be armed against surprises; but if I am rightly informed, the Common Law is sufficient for the purpose. The people, too, ought to be armed against surprises, and because I believe the Convention Act is no more than a dead letter in quiet times, and might become a serious menace in times of national excitement, I shall vote for its repeal, and therefore I shall support the Bill brought in by the hon. Member for Westmeath.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 84; Noes 216: Majority 132.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for six months.

MUNICIPAL BOROUGHS (AUDITORS AND ASSESSORS) BILL.—[BILL 54.]

(*Mr. Dodds, Mr. Pease, Mr. Richardson.*)

SECOND READING.

Order for Second Reading read.

Mr. DODDS, in moving that the Bill be now read a second time, said, he wished at once to disclaim any desire to infringe upon the provisions of the Ballot Act. What he desired to do was simply this—to reduce the enormous cost that was now incurred in the election of auditors and assessors. The Ballot Act provided that every contested municipal election should be conducted in the same way as a Parliamentary election; and

Mr. R. Smyth

the main object of the measure was to eliminate the words "auditors and assessors" from the Ballot Act, in order to save the enormous expense which was now incurred in the election of those functionaries. Hardly any public interest was taken in the contests, and yet all the machinery of the Ballot had to be put in operation in taking the poll at a contested election. The cost was thus raised to nearly £100, whereas £5 would have been sufficient under the old system. There were other minor and subsidiary clauses, but that was the main object, of the Bill, and if it was agreed to, it would prevent a great amount of unnecessary and extravagant expense at municipal elections. Excellent as the Ballot system was, in his opinion, he thought they ought not to apply it to the election of auditors and assessors. He believed the Government were not opposed to the principle of the measure, and he hoped that the hon. Member who had given Notice of his intention to move its rejection would not persist in his Amendment. If the course he suggested was taken, and the second reading agreed to, he would propose that the Bill should be referred to a Select Committee, for this reason—there were two other Bills relating to municipal matters on the Table, and his own belief was that the whole three Bills could be amalgamated, and that a couple of hours would suffice for all purposes. The hon. Gentleman concluded by moving the second reading of the Bill.

Notion made, and Question proposed, That the Bill be now read a second time.—(*Mr. Dodds*.)

MR. PELL, in moving that the Bill be read a second time that day six months, said, the objections of the hon. Gentleman to the mode of electing auditors and assessors ought to have been stated when the Ballot Bill was under discussion. There was no doubt that the cost of election of municipal officers under the Ballot Act had largely increased; but the expense of electing those officers was not out of proportion to the expense of electing other persons under the Ballot Act, for he knew one instance where £1,500 had been spent in the election of one member of a school board. If the hon. Gentleman's objection to the mode of electing auditors and assessors was its expensiveness, why

had he not proposed to cut down the expense of all elections under the Ballot Act? Nothing could be more unsatisfactory than the system of auditors in municipal boroughs before the Ballot Act came into force, and instead of proposing to repeal part of that Act, the hon. Gentleman should have proposed that the whole system of selecting auditors should be changed, and that they should be nominated by the Local Government Board, in the same way as the appointment of Poor Law auditors. Municipal auditors had to examine and report upon accounts amounting to many millions a-year, and their reports showed that nothing could be worse than the manner in which the duty was discharged. There were ample opportunities for jobbery in the boroughs of England and, accordingly it abounded. He (*Mr. Pell*) hoped that debate would draw the attention of ratepayers to the allowance of improper items in borough accounts, which would never have been allowed if the accounts had been properly audited. With regard to assessors, he should like to see the office abolished altogether. As he thought it was too soon to repeal a portion of an Act within one year after its passing, which portion he believed to have had a very useful effect, he should move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Pell*.)

Question proposed, "That the word 'now' stand part of the Question."

SIR HENRY JAMES said, he thought a strong case had been made out for the second reading of the Bill. The auditor was an officer who should be elected by the Local Government Board, and the cumbrous and expensive process of the Ballot should not be applied to it, which was not desirable in that case any more than in that of any other official. He hoped the Government would accept the second reading of the Bill. He believed the including of the election of auditors and assessors in the Ballot Bill was an oversight. No evidence was laid before the Committee on the subject of the election of these officers.

MR. C. E. LEWIS said, that was the first nibble at the Ballot Act, and it was rather strange that such a nibble should

be made by an hon. Member on the Opposition side of the House, especially when it was considered that the error or mistake was not sufficient to justify it. It might be expedient to appoint a Committee this Session to consider whether any improvements could be made in the Ballot Act, and if such a Committee were appointed the question might very properly come before it; but he thought it would be rather unworthy of the House to alter so important a measure as the Ballot Act with reference merely to this question. A little suspense should be endured for the purpose of testing the working of the Ballot Act.

MR. NORWOOD suggested that the expense and inconvenience might be got rid of by having these officers elected at the same time as town councillors, and by the same voting papers, so that the machinery for one election might serve for the other.

MR. ASSHETON CROSS thought it would be a great pity if the working of the Ballot Act were interfered with in the piecemeal way proposed by the hon. Member for Stockton. His own impression was that the matter required much more discussion than it had yet had, and therefore he should be glad to see the consideration of the matter put off. His opinion was, that there was a great deal to be considered not only in reference to the appointment of auditor, but as to the power of such officer when he was appointed. He had watched with very great jealousy the gradual increase in the expenses of municipal boroughs from one end of the country to the other. An auditor should be appointed not merely to check accounts, but also to disallow such charges as ought not to be allowed, and until an auditor had power to disallow such charges no satisfactory conclusion could be arrived at on this matter. For that reason he would vote against the Bill; but he would take care that the whole subject of the appointment of auditors should receive the careful attention of the Government, and when they had decided upon it, he would be prepared to make a statement to the House upon it.

MR. STEVENSON said, that there was no competition for these offices, but still many people who were interested in expense being incurred in elections caused contests to be carried out. It was quite time that Parliament put a stop to

this practice, and he hoped that the Bill would be read a second time.

GENERAL SIR GEORGE BALFOUR hoped the Home Secretary would bring in a Bill on the present confused and perplexing subject of local rates and local expenditure before the end of the Session. But in order to check the reckless expenditure now existing in Parliamentary boroughs, it was essential that independent auditors should be appointed, with powers to examine, not alone the expenditure supported by vouchers, but to inquire and report on the propriety of that expenditure, which could so easily under the present system be covered by vouchers without regard to the necessity of the outlay or its economical application. The whole of the accounting for local income and outlay was at present so entirely without uniformity that it was impossible for any compilation of the local rates and expenditure of the country to be made with any prospect of rendering the results in a clear manner. The subject was, in his opinion, so vast and complicated, and so extensive, as to be quite unfit to be undertaken by a private Member.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) ACT (1863) AMENDMENT BILL.

On Motion of Mr. BRUEN, Bill to amend "The Drainage and Improvement of Lands (Ireland) Act, 1863," ordered to be brought in by Mr. BRUEN, Sir THOMAS BATESON, Mr. O'NEILL, and Mr. KAVANAGH.

Bill presented, and read the first time. [Bill 120.]

ECCLESIASTICAL PATRONAGE (CHURCH OF ENGLAND) BILL.

On Motion of Sir JOHN KENNAWAY, Bill to regulate the powers of Patrons and to provide means for the purchase of Advowsons in the Church of England, ordered to be brought in by Sir JOHN KENNAWAY, LORD HENRY SCOTT, Mr. J. G. TALBOT, and Mr. SALT.

Bill presented, and read the first time. [Bill 121.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 21st May, 1874.

ES.]—PUBLIC BILLS—First Reading—
1 Property (Ireland) (No. 2) * (76);
Government Board (Ireland) Provi-
Order Confirmation * (76); Statute
revision * (77).

Report—Courts (Straits Settle-
*** (60).**

ending—Oyster and Mussel Fisheries
Confirmation * (36); East India An-
funds * (51), and passed.

on—Landed Property (Ireland) * (53).

ment—Consolidated Fund (£13,000,000)

act. c. 10]; Cattle Disease (Ireland)

act. c. 6]; Middlesex Sessions [37 Vict.

Harbour Dues (Isle of Man) [37 Vict.

Public Works Loan Commissioners

to School Boards [37 Vict. c. 9];

Birds (Ireland) [37 Vict. c. 11]; Local

Government Provisional Orders [37 Vict.

PRIVATE BILLS.

that Standing Order No. 179. sect. 1.
 ded; and that the time for depositing
 praying to be heard against Private
 ich would otherwise expire during the
 ent of the House at Whitsuntide, be
 to the first day on which the House
 after the Recess: *Agreed to.*

PENINSULA—SIR HARRY ORD.

PERSONAL EXPLANATIONS.

EARL OF CARNARVON: My
 I think it right to make an ex-
 m with regard to some observa-
 ddressed to your Lordships on
 evening by the noble Lord
 s at the Table (Lord Stanley of
 f), and which were of a some-
 rsonal nature. The noble Lord,
 g of the Straits Settlements,
 atements not only against myself,
 o against my noble Friend the
 retary for the Colonies (the Earl
 iberley), against the Duke of
 ham, and against everyone who
 d the seals of the Colonial Office
 ears. His allusions to a Governor
 traits Settlements were, however,
 nited. I quote from the noble
 speech—

noble Earl (the Earl of Carnarvon) had
 k to appoint this Governor, who dis-
 the public service, squandered the
 of the colony on building a house for
 and for that purpose seized the bricks
 e municipality had provided for water-
 l drainage, and on their remonstrating
 d to suppress them—a Governor who
 behind him a reputation which could
 ompared to that of a Roman Proconsul
 ie of Cicero."

Now, my Lords, there is no doubt as
 to whom that sentence was pointed.
 There is no doubt that the noble Lord
 alluded to Sir Harry Ord, and to no one
 else. Now, my Lords, I do not think it
 necessary to trouble your Lordships at
 any length with reference to those
 charges. I will only say that I believe
 that charges of somewhat the same
 nature were made in a colonial news-
 paper, but on being investigated were
 found to be totally unworthy of credit.
 The paper containing them was sent to
 the Foreign Office during the time my
 noble Friend opposite (the Earl of Kim-
 berley) held the Seals, and he came to
 the conclusion that there was no ground
 for them. I fully agree with my noble
 Friend, and therefore as regards those
 charges I think I should be only wasting
 the time of the House if I said anything
 more about those allegations. But the
 noble Lord (Lord Stanley of Alderley)
 went on to make this further charge—
 and, as it is rather more definite, I think
 it seems to require some explanation.
 The noble Lord said—

"The noble Earl had neglected to renew or en-
 force the salutary rule of the East India Company,
 forbidding their officials to accept presents. The
 consequence was, that the acceptance of presents
 by the Governor and other officials became so
 general as to be commented upon by the Singa-
 pore Press."

Now, my Lords, if that means anything
 —if there is anything whatever in the
 words—it means this,—that Sir Harry
 Ord accepted presents in an illegitimate
 way, and was guilty of corruption. I
 ought to say why I did not notice this
 the other evening. The truth is, I failed
 to catch the noble Lord's words; but if
 I had heard him I should not have been
 in a position to contradict the charge
 categorically. Since, then, however, I
 have received an explanation from Sir
 Harry Ord, and I will state it to your
 Lordships. In 1868, the first year of
 his government, the King of Siam pre-
 sented him with a dagger embellished
 with chasing, and he sent home a
 printed statement about that present.
 Subsequently one or two other arms
 were presented to him by independent
 Rajahs. It never entered into his mind
 at the time that he was guilty of any
 breach of rule in accepting them—in
 fact, he would have thought himself
 guilty of rather discourteous conduct if
 he had not accepted them. I beg your
 Lordships to observe that the persons

from whom he received those presents were a King and independent Rajahs. It is quite true that before those territories became the Straits Settlements the Governor of them would have been subject to the Indian rule, and at the time when my noble Friend opposite left the Colonial Office he was extending that rule to the Colonies, and I am carrying out what he began. But when Sir Harry Ord was Governor he was acting under the rule then applying to the Colonies and under the Indian rule. The Colonial rule has hitherto been that no Governor shall accept presents, pecuniary or otherwise, from any inhabitant of a Colony over which he presides; and these presents having come from independent Rajahs, Sir Harry Ord has not committed any violation of the rules. I have further to state, my Lords, that there was not the slightest desire on the part of Sir Harry Ord for those presents. They are of no pecuniary value. He has several times exhibited them, and I believe they are now being exhibited among the Ashantee spoils. The noble Lord concluded with a censure not only on Sir Harry Ord, but on the Attorney General. He said—

"Under the auspices of the noble Earl, an Attorney General was appointed who had no knowledge of law, and who had been specially passed through Gray's Inn within one year, as he was only to practise in a colony."

My Lords, the official antecedents of the learned Gentleman thus censured, date back to 1849, and it was in 1867 he was made Attorney General. I believe that, either as regards personal character or professional attainments, there is not a word to be said against him. I know him to be very able. In conclusion, I will venture to give this advice to the noble Lord. Everything that any Member of this House says in the course of our debates goes far and wide; and, therefore, if a noble Lord speaks of the character of another person—especially if that person is outside the walls of this House, and has no opportunity of replying—he incurs a grave responsibility. The character of Sir Harry Ord is as precious to him as the character of the noble Lord is to himself. I regret, therefore, that without warrant, but on a mere colouring of facts, the noble Lord should have made a statement which has deeply wounded Sir Harry Ord, and which will be read far and

wide, and, perhaps, where the contradiction will not reach. I feel that I have only done my duty in vindicating an absent man from the effect of the ill-advised words of the noble Lord.

THE EARL OF KIMBERLEY: My Lords, as the noble Earl (the Earl of Carnarvon) has referred to something that occurred when I held the seals of the Colonial Office, I beg to express my concurrence in what he has said as to the facts. After an inquiry which I caused to be made in the Straits Settlements as to the allegations concerning the building of the house, I arrived at the conclusion that Sir Harry Ord was not open to any blame. I regret very much that my noble Friend (Lord Stanley of Alderley) should have made against Sir Harry Ord one of the most grave accusations that can be put forward against a Governor—that he accepted gifts in a corrupt manner. The Colonial rule has been, as stated by my noble Friend opposite, that no Governor shall accept gifts from any of the inhabitants of the Colony. That did not quite meet the case of the Straits Settlements, and when I saw this case in the Colonial paper, I desired that the Indian rule should be acted on there. I did not lay down the Indian rules in terms, because I required some details with respect to it; but the noble Earl will have found, by papers which I left in the Colonial Office, that I was arranging for its adoption. However, that rule not being in operation in the Straits Settlements, Sir Harry Ord accepted two or three gifts under the circumstances stated by the noble Earl. But there was no imputation on him arising out of his acceptance of those gifts. Had there been, a grave imputation would have lain on me also, because, I ought to have taken serious steps in the matter. I did not do so because I did not think they were called for. I concur with my noble Friend opposite—nothing can be more unjust or more ungenerous than to make personal charges which have not been proved, except it be for the purpose of showing that there is ground for an investigation. Sir Harry Ord has served the Crown for many years. He was placed in a position of great difficulty when having to conduct the government of this Colony after it was handed over by the Government of India. If he did not succeed in giving

The Earl of Carnarvon

etc satisfaction to every one, he good service and managed the of the Colony to the best of his. He does not deserve censure, every one will admit that during official career he faithfully discharged the duties which devolved upon. As to the Attorney General, I say that I never before heard a le disparaging to him. I never a question of his professional tenacy. I blame myself for not ; replied to those accusations on ay evening immediately after they made; but I did not hear every spoken by my noble Friend, and I read his speech next morning not aware of the gravity of the

D STANLEY OF ALDERLEY had not made those charges reck- and he would withdraw nothing e had said. What the two noble had just said had shifted the re- bility from the late Governor to olonial Office. The statement of ble Earl (the Earl of Kimberley) d grounds for inquiry, and he at that if the Colonial Office did stitute the fullest investigation would neglect their duty. The just made by the noble Earl (the of Carnarvon) would not promote of administration in the Colonies, the same state of things continued Straits Settlements Her Majesty's ment would receive petitions for nsfer of that Colony to the India

CHURCH TEMPORALITIES COM- MISSION—THE CHURCH FUNDS.

QUESTION.

EARL OF BELMORE asked Her ty's Government by what method intended to realize the capitalized of the terminable annuities into the tithe rent charges and three- s of the head rents belonging to e Established Church in Ireland ave been converted in those cases ch they may have been sold by urch Temporalities Commissioners system of payment by instalments ling over a lengthened period, in ance with the terms of the Irish h Act, 1869?

DUKE OF RICHMOND said, the Church Commissioners were in

debt to the National Debt Commission- ers to the amount of between £8,000,000 and £9,000,000. As he understood, it would be between 16 and 17 years be- fore that debt could be paid off. The Government had not before them any proposal of the Church Commissioners for realizing the capitalized value of the annuities payable by the landowners; and with these engagements upon the Commissioners there did not seem to be any object in pushing forward any scheme for the realization of those an- nuities.

THE EARL OF LIMERICK asked the noble Viscount (Viscount Monck), who is a Member of the Irish Church Temporalities Commission, Whether he could give the House any information as to the progress made in carrying out the objects of the Commission? He believed that under the Irish Church Act the Commission was appointed for 10 years, and that half of that time— five years—had now elapsed. His ob- ject was to ascertain how much had been paid off under the Act, and also what might be the surplus in future time. Tho property of the Irish Church, as he un- derstood, was about £400,000 a-year; and he was not aware that any steps had been taken to convert that, and apply it to the extinction of tithe rent-charges. He was anxious to hear from the noble Viscount opposite what progress had been made in the matter, in reference to 22½ years' purchase of the liability.

VISCOUNT MONCK: My Lords, in rising to reply to the Question just put to me by my noble Friend, I must com- mence by bespeaking your Lordships' forbearance, because, in order to answer it intelligibly, I shall be obliged to tres- pass at considerable length on the in- dulgence of the House, and, I am afraid, to make a dry statement of facts and figures. I wish to commence by dividing what I shall have to say under three heads—first, the amount of work done by the Commission; secondly, the cost of that work; and, thirdly, as far as is in my power, to state the present con- dition and future financial prospects of the Commission. My Lords, your Lord- ships will recollect that the Irish Church Act received the Royal Assent on the 26th of July, 1869, but it did not come into full operation—that is, the property of the Church was not vested in the Commissioners till the 1st of January,

1871. Those two dates naturally divide the business entrusted to the Commission into two classes. The first, the business done between the date at which the Act received the Royal Assent, and that at which the Commissioners got possession of the property, was partly of a temporary character—that is, it was not directly connected with the object and scope of the Act. The second is business directly connected with the disestablishment and disendowment of the Irish Church. Now, with respect to the first class. The Commissioners were obliged to execute necessary repairs of ecclesiastical structures, and to provide all articles necessary for the carrying on of Divine Worship. We had to carry into effect, within certain limits, engagements for the building and enlargement of churches entered into by the Ecclesiastical Commissioners. I need not trouble you with details of those duties; but I may say in the discharging them we made 4,547 orders, each of which necessitated a minute examination of facts in order to ascertain whether the claim made came within the terms of the Act, and the total of which entailed an expenditure of £162,469. I hope I have succeeded in conveying to your Lordships that this work was only of a temporary character. It was, so to speak, the work necessary for maintaining the fabric of the churches, from the time of the passing of the Act till the vesting of the Church property in the Commissioners, and had nothing to do with the disestablishment and disendowment. The subsequent and principal work of the Commissioners naturally divided itself under three heads. First, the ascertaining and, by order, declaring the amount of compensation to be awarded to the different classes of persons whose interests were to be affected by the Act; secondly, the commutating for a fixed sum of money the compensation of those persons to whom compensation was given by way of annuity, and also the life interests of the clergy in the glebe lands; thirdly, the selling and otherwise disposing of the property of the Church and the realizing of the surplus. I wish here to mention to your Lordships that these operations, both by the tenor of the Act and the requirements of the case, must have been taken up in succession and in the order I have stated them. One process could not have been engaged

in until the preceding one had been completed. I make this observation because, from comments which have appeared in a portion of the Press, it might be supposed possible to have carried them on simultaneously. But it is obvious that annuities could not have been commuted until they had been ascertained. They had to be ascertained and fixed before the 1st of January, 1871, because on that day it was competent to any clergyman to come into the office of the Commissioners and claim that his annuity should be commuted. If we were not prepared to comply with his claim an injustice would be done him, because as time advanced the amount to which he would be entitled would be getting less. In the next place, sales of land could not be made until commutation had been effected; because lands were vested in the Commissioners subject to the life interests of the clergy, which could be determined only by death or commutation, and the Commissioners were prohibited from selling land subject to life interests. The first operation we had to perform was that of fixing the annuities, and I have already stated the reason why that had to be done by the 1st of January, 1871. Every annuity was fixed by that day. To ecclesiastical persons other than curates they numbered 1,459; to curates, 921; to diocesan schoolmasters, 14; to clerks and sextons, 3,189; to Nonconformist ministers on account of the *Regium Donum*, 579; to vicars-general, 42—making a total of 6,204. By another provision of the Act we were directed to give gratuities to curates and certain other persons who were not to be compensated by annuity. We made 494 orders in respect of them. Another class of persons who had to be compensated were the owners of advowsons, but the compensation in their case was made at a later date, because they had three years from the passing of the Act within which to make their claims. In the case of these persons, 351 claims have been received, and 291 disposed of, so that there remain 60 still to be disposed of. The delay in this case does not, however, lie with the Commissioners. It arises from some legal difficulty. It will be seen then, my Lords, that with this slight exception we have performed the whole of the duty of ascertaining the compensations for those whose pecu-

ry interests are affected by the Act. Now come to the second great head of it, which consisted in commuting for the sum the compensation to those whom, by the Act, compensation was given by way of annuity. When we came to this we were met by an obstacle which I, at least, had not anticipated. Looking at the large amount of money which in this country is every year risked on the probable duration of human life, and imagined that the power of calculating that probability under any given conditions, would be as easy as the calculation of the interest of money; but when we came to inquire we discovered that the conditions of human life are various, and each slight change of condition affects those probabilities to a sensible degree, that we had to prepare tables of our own in order to measure the amounts which should be paid on commutations of annuities under the

I think it was the noble Marquess of Salisbury (the Marquess of Salisbury)

during the discussion of the Irish Church Bill in your Lordships' House, stated that the lives of the clergy should be valued at a uniform term of years. I voted against that proposition; but, as one of the Commissioners, we often felt inclined, as far as my own case was concerned, to repent of my vote, because we found it most difficult to obtain a basis satisfactory to the

clergy. We could not commute a single annuity against the will of the clergyman entitled to it; and therefore if we had not have obtained tables satisfactory to them we should have had no commutation at all. Having got over that difficulty, we proceeded to deal with applications for commutation. We were to commute not only the annuities granted by us to the clergy, but also the life interests in glebe lands. There could have remained in possession of those glebe lands, but that would have been very undesirable. We succeeded in overcoming the difficulties of the case, and I have to tell your Lordships that out of 6,204 annuants, whose annuities were fixed as we have already mentioned, 5,765 have been commuted, leaving a balance of only 439 uncommuted. There are only 66 incumbents who have not been commuted, 13 rectors, 3 diocesan schoolmasters, 314 monks and sextons, whose annuities are small, 29 Nonconformist ministers,

and 14 vicars-general. Of these, 41 have lately desired to commute. That finishes the second great head of business to which I have proposed to draw your Lordships' attention. I will now state very shortly the cost of this commutation. The sum paid or secured to the members of the Disestablished Church was £8,090,559; to Nonconformist ministers on account of the *Regium Donum*, £695,434; and the annuities still outstanding to complete commutation are valued to the Church at £461,907, to Nonconformist ministers at £38,460; the total cost of commutation of the annuities being £9,286,360. That may seem a large sum; but I can state to your Lordships two facts which, I think, taken together, show that the Commissioners were enabled to hit on the happy medium between too strict an interpretation of the terms of the Act against the interests of the annuitants, and too lax a reading in their favour. One fact to which I have already alluded is, that the whole of the annuitants who have commuted have commuted of their own accord, which shows that they did not consider the terms offered too unfavourable to them. The other circumstance is this. Everyone having a life interest in the land, if discontented with the value attached to that life interest by the Commissioners, had the right to appeal to arbitration. Several persons exercised that right, and in every case the decision was against the Commissioners, which showed that we had not been too lax in our dealings, and had not given more than men of intelligence and integrity thought the annuitants entitled to. Incidental to the work there were other matters with which we had to deal. Your Lordships are probably aware that if an incumbent in Ireland built a glebe house out of his own funds he was entitled to charge the outlay for that purpose on his successor, and that successor on the person who succeeded him. These were charges on the glebe houses which we were authorized to pay off, and that has formed a considerable item of work which is now all but completed. We have paid £225,288 on account of those building charges, and there remains still an estimated balance of about £16,166 to complete the work. For the purpose of extinguishing the tithes, we were authorized to purchase leases of the tithe rent-

charges, where such existed; and on that account we have paid £54,438, the estimated balance to complete the purchase being £135,421. The payment of other charges and encumbrances affecting property amounted to £96,015, leaving an estimated balance to complete the work of £98,278. I come now to the third division of business—namely, the sale and other disposition of the property of the Church. I will take the lands first. The lands resolved themselves into two classes. The first class consisted of mensal lands, hitherto occupied by the clergy. The second class comprises the Bishops' lands and glebe estates, occupied by tenants. By the Act of 1869 the Church Representative Body was entitled to the offer of the glebe houses on certain conditions, with as much mensal land as, in the opinion of the Commissioners, was necessary for the convenient enjoyment of each house. To arrive at a decision on that question, we were obliged to have very minute and accurate surveys and maps made of all glebes in Ireland. The number of glebe houses and mensal lands in Ireland is 970, the annual value of which is £35,377. Orders have already been made ascertaining the quantity of land to be attached to each of these houses in the case of 458, or about half the total number, and there have been actually vested in the Church Representative Body 134. I now come to the lands held by tenants. These lands resolve themselves into three classes—first, those held in perpetuity; secondly, those held on renewable leases; and thirdly, those held by yearly and other tenure. In the case of the perpetuity holders, the price charged for their holdings was fixed by Act of Parliament at 25 years' purchase. In the case of renewable leaseholders a different provision was made. These renewable leaseholders really had perpetuities, for they could compel the renewal of their leases whenever they expired. They had, by the Church Act, three years from the 1st of January, 1871, within which it was competent for them to convert their renewable leaseholds into perpetuities. After that time the power ceased. It is, therefore, obvious that we could not sell any renewable leaseholds to the public until the 1st day of January, 1874. The number of holdings in perpetuity is 1,626; of renewable

leases, 505; of yearly and other tenure, 8,432, making a total of 10,563; and before we could offer any lands of the second and third classes to the public we were compelled to offer them to the tenants at a rate to be fixed by the Commission. We have already offered 3,914 of these holdings to the present occupiers, and the number who have accepted and completed the transaction by paying their portion of ready money and securing the remainder by mortgage is 1,335. There are 363 other holders who have accepted our terms, but whose purchases are not yet completed; and there are a considerable number of offers which have been only recently made, and the time for accepting which has not yet expired. I am told that the acceptances of the offers are coming in so fast that by the 1st of July, 2,000 out of the above number of 3,914 will probably have been received. I wish here to explain that considerable responsibility was thrown on the Commissioners in respect of these offers. The sole right of fixing the price was with the Commissioners. If we fixed the price too low we should have been sacrificing public money with which we were intrusted; whereas if we fixed it at a reasonably high but not extravagant rate, the tenant would not in reality be injured; because, if he considered the sum asked too much, he had only to refuse, and afterwards when the land was sold by public sale, he, as one of the public, would have as good chance of buying it as anyone else. That concludes what I have to say about the sale of the lands. I now come to the tithe rent-charges, which are dealt with in two ways. We are enabled by the Act to sell the tithe rent-charge for ready money to the payer of the tithe rent-charge at 22½ years' purchase. The effect of the other mode was that, by entering into a prescribed arrangement with the Commissioners, the payer of a tithe rent-charge paying the rent-charge to which he was otherwise liable in perpetuity, would at the end of 52 years extinguish the charge. We had no power to compel persons either to buy for ready money or to enter into the arrangement under which the tithe rent-charge was to be extinguished. The number of sales for ready money have been 1,110, and the annual amount has been £11,883 3s. 8d. The number of commutations by the other method

was 6,321, and the annual value £144,396 2s. 7d., being about two-fifths of the entire amount I have mentioned. My Lords, I have now concluded my statement of what has been done in giving effect to the provisions of the Act; but before I sit down I wish to say a few words concerning the other duties which devolved on the Commissioners. We have been since the 1st of January, 1871, the managers of a very extensive property in Ireland. In addition to the duties already adverted to, the Commissioners have had the management and collection of the revenue of landed property held by 10,563 tenants, and yielding a revenue of £225,622. The tithe rent-charge consists of about 40,000 items—I use the word designedly—and yields £406,815 per annum. The total number of payers of both classes is 50,563, while the total amount collected annually is £632,437. Besides this, the sales during the three years which have elapsed since the Act came into operation have produced in ready money an average of nearly £250,000. Therefore, the whole amount collected in our office has been £882,437. That finishes my statement of the work which has been accomplished, and I have now to call your Lordships' attention to the consideration of the second head, into which, when I began, I said I would divide the observations I proposed to address to your Lordships. I mean the pecuniary cost of this work. The entire expenditure of the Commission during the three years ending in December, 1873—including the whole cost of collecting its revenue, and managing the property intrusted to the care of the Commissioners—was, in 1871, £27,723; in 1872, £29,673; and in 1873, £28,701, the average of the three years being £28,699, or about 3½ per cent on the amount collected and administered—a sum which I venture to say could not be considered unreasonable if it had been the charge for collecting the revenue alone. I must now briefly allude to the third division of my subject, in giving your Lordships' a statement of the present financial condition and future prospects of the Commission, and I would here call your Lordships' attention to two provisions of the Church Act, which materially delay the realization of the surplus. Your Lordships are aware, from what I have already stated, that the property of the Commission consists,

in round numbers, of about two-thirds tithe rent-charges and one-third land. I have already mentioned to your Lordships the two modes provided by the Act for disposing of the tithe rent-charge—namely, by sale for ready money, and by the process by which the tithe rent-charge is converted into an annuity which extinguishes itself in 52 years. Your Lordships have seen that no large sales for ready money can be expected of this sort of property, and that the effect of the Act will be to convert almost the whole of the tithe rent-charge into a terminable annuity. A similar result is produced in reference to the land by the provision which enables purchasers of land to leave three-fourths of their purchase money on mortgage, repayable in 64 half-yearly instalments. Having premised so much as to the powers we possess for realizing the property, I now come to our actual condition and prospects. The capital liabilities ascertained are £10,711,303, and those estimated are £845,604, making a total of £11,556,907. Of that sum we have paid out of the current receipts £1,001,335, leaving a balance of £10,555,572. Of this, £8,400,000 is due to the Commissioners for the Reduction of the National Debt, and £1,309,968 to the Representative Church Body. The estimated sum still required is £845,604. It is estimated that the debt to the Church Representative Body will be paid off in July, 1876, by means partly of a further advance from the Commissioners for the Reduction of the National Debt of £500,000, and partly from current receipts. The Church Representative Body will be paid, including interest, £892,079 in 1874; £626,000 in 1875; and £106,000 in 1876. The regular liquidation of the debt to the Commissioners for the Reduction of the National Debt cannot begin until the debt to the Church Representative Body shall have been discharged. The calculation that this debt will be paid in about 17½ years from the present time is based on the assumption that the Commissioners will be able to devote out of the current receipts, including sales, £800,000 a-year to that purpose. There will then remain—first, the residue of the terminable annuities into which any portion of the tithe rent-charge may have been commuted; secondly, the tithe rent-charge in perpetuity, subject to the right to buy or com-

mute it, as regards such portion as may not have been bought or commuted; and, thirdly, the outstanding balances of the instalments payable on the purchase money of land sold. It is, of course, very difficult to say what will be the capitalized value of these different items; but, according to the best estimate we have been able to form—and I do not think it exaggerated—we put the capital value of tithe rent at £9,621,914; of landed property, at £6,626,948; and from other sources—trust funds, glebe house, mortgages, &c.—at £494,504, making a total of £16,743,366. Deducting from this the sum of £11,556,907 for liabilities, there will be a probable surplus of £5,186,459. My Lords, a Question was asked early in the evening by a noble Friend of mine who sits opposite, as to the possibility of realizing this surplus at an earlier date than that at which it will become available by the collection of the terminable annuities, into which I have shown you the bulk of the property will, by the operation of the Act, be converted. It is not my province to devise plans for this purpose; but it does appear to me that when the Government shall have become, by the liquidation of the debt to the Representative Church Body, sole creditor of the Church property, the operation of capitalizing and making available the surplus, ought not to be a very difficult process, or one beyond the powers of an enterprising financier. I have to thank your Lordships for the kindness with which you have listened to, I am afraid, a rather tedious statement. I cannot sit down without doing justice to the staff of the office with which I am connected, and having had some little experience of official life, I must state I have never known a body of public servants who performed their duty with greater zeal and efficiency. In justice to them, I am happy to have been enabled to lay before your Lordships this evening a statement of the large amount of work which has been transacted by the Commissioners at a comparatively small cost.

THE EARL OF COURTOWN: I have listened with great interest to the statement of the noble Viscount; but, in spite of the ability with which it has been made, it must, I think, be obvious to your Lordships that such a statement would have been more satisfactory if it

had been put into print. It is impossible to follow all the details of a spoken statement. I would venture to suggest that a yearly statement should be made of the proceedings of the Commissioners.

VISCOUNT MONCK: I entirely concur with my noble Friend that it would be better to make what I may term an annual historical Report. We are only bound by the Act to make a mere financial Return.

IRELAND—THE MAGISTRACY OF TIPPERARY.—QUESTION.

VISCOUNT LISMORE asked the Lord President of the Council the reason why two gentlemen recommended by him, as Lieutenant of the county of Tipperary, for the Commission of the Peace had been refused the Commission by the Commissioners of the Great Seal in Ireland. He had been Lord Lieutenant of the county since 1857, and no previous recommendation of his had ever been passed by.

THE DUKE OF RICHMOND said, that noble Viscount having, according to his own statement, held the office of Lord Lieutenant of the county of Tipperary for 16 or 17 years, must know that it was not the practice of the Executive Government to interfere with the Lord Chancellor or with the Commissioners of the Great Seal in the Exercise of their undoubted duty to recommend to Her Majesty the appointment of magistrates in various localities. That would apply in this country as well as in Ireland. The reason why only one of two gentlemen recommended by the noble Viscount as fit to be appointed magistrates of a particular Petty Session in Ireland had been appointed was that the Commissioners of the Great Seal thought it was not necessary to appoint more than one. With regard to the other gentleman whom the noble Viscount recommended as fit to be appointed magistrate of another Petty Session, the Commissioners of the Great Seal declined to add to the number of magistrates upon the Petty Sessions, because they believed that number to be sufficient.

LANDED PROPERTY (IRELAND) BILL [H.C.]

Order for the Second Reading on Tuesday the 2nd of June next discharged, and Bill (by leave of the House) withdrawn.

Viscount Monck

ID PROPERTY (IRELAND) (NO. 2)

BILL. [H.L.]

to amend the Acts facilitating the Im-
it of Landed Property in Ireland—
uted by The Earl of BANDON; read 1^a.

**GOVERNMENT BOARD (IRELAND)
SIONAL ORDER CONFIRMATION BILL**

to confirm a Provisional Order made
Local Government Board for Ireland
to the City of Dublin—Was presented
ORD PRESIDENT; read 1^a. (No. 76.)

ITS LAW REVISION BILL [H.L.]

for further promoting the revision of
the Law by repealing certain enactments
ve ceased to be in force or have become
ary—Was presented by The LORD
OR; read 1^a. (No. 77.)

use adjourned at a quarter before Seven
o'clock, 'till To-morrow, half
past Ten o'clock.

USE OF COMMONS,

Thursday, 21st May, 1874.

ES.]—NEW MEMBER SWORN—Henry
y Sheridan, esquire, for Dudley.
BILLS—Ordered—First Reading—Inclo-
[122]; Metropolis Local Management
amendment * [123]; Hosiery Manufac-
Nages) * [124].

Reading—Valuation of Property [98];
Health (Ireland) [53]; Herring
y Barrels * [107]; Churches and Chapels
tion (Scotland) [108]; Bar Admission
[109]; Courts (Colonial) Jurisdiction *
Public Health (Scotland) Supplemen-
[106]; Magistrates (Ireland) and Com-
ers of Dublin Police Salaries * [117];
Fees, and Penalties [59].

—Jurics [18]—R.P.

—Report—Marriages Legalization (St.
he Evangelist's Chapel, in the parish of
ck) * [101]; Holyhead Old Harbour
re-comm.) * [51].

Reading—Customs and Inland Revenue
Bishop of Calcutta (Leave of Absence) *

Marriages Legalization (St. Paul's
at Pooley Bridge * [102], and passed.

**IOUS DISEASES ANIMALS ACT,
PRO-PNEUMONIA.—QUESTION.**

BENTINCK (for Sir ROBERT
asked the Vice President of the
, Whether, as there appears no
t of the cattle affected with
-pneumonia in Ireland being
sured and compensated for, the

Lord President will rescind the Order in
Council which enforces such slaughter
in Great Britain?

VISCOUNT SANDON: The Order in
Council, Sir, referred to by my hon.
Friend was issued in consequence of the
recommendations of the Select Commit-
tee which sat last Session. The Lord
President is of opinion that that Order
has not been in operation for a suffi-
ciently long period to show whether it
can be rescinded with safety.

**IRISH CHURCH REPRESENTATIVE
BODY.—QUESTION.**

MR. E. JENKINS asked the First
Lord of the Treasury, If his attention
has been called to the proceedings of the
Irish Representative Body, in relation
to the process of commuting and com-
pounding; whether it is true, as stated
in the "Belfast News Letter," of Satur-
day, May 9, that "between advances
and composition nearly £2,000,000 ster-
ling has been paid to clergymen who are
carrying out this process;" whether any
similar sum has been paid to Presby-
terian Ministers; and, whether he will
consent to obtain and lay upon the Table
of the House, a Return of the payments
made under this process, and of the
names, livings, and residences of clergy-
men who have commuted and com-
pounded?

MR. DISRAELI: Sir, the Irish
Church Representative Body is a body
elected by the Bishops, clergy, and laity
of the Church. It is incorporated by
Charter, under the provisions of the Irish
Church Act—I think the 22nd section.
It is an independent body, and is not in
any way responsible to Parliament.
With regard to the inquiry of the hon.
Gentleman as to the advances and com-
position, amounting to a large sum,
which has been paid to those who are
carrying on this process, the only con-
nection that subsists between Her Ma-
jesty's Government and the Irish Church
Fund is, I think, confined to one section
of the Irish Church Disabilities Act, and
that is, I think, Section 23. That regu-
lates that certain payments are to take
place. But after the Commissioners
under that Act pay to each annuitant
the value of his annuity all responsi-
bility on their part ceases, and it is in
the power of the Irish Church Repre-
sentative Body to make any arrange-

ment with these annuitants which may be considered desirable, either by way of composition and commutation or otherwise. With respect to the further inquiry of the hon. Gentleman whether the Irish Church Commissioners paid any sum by way of commutation to the Presbyterian Ministers, I am sure the hon. Gentleman will see upon reflection it would be impossible for the Commissioners, in making payments to the Irish Church Body, to include in that any sum that would be received in the way of commutation by Presbyterians; but if the hon. Gentleman will refer to the Irish Church Act he will find in one section—I think Section 39—the special provisions that were made with regard to the commutation which may be effected by Presbyterian Ministers. If the hon. Member will pardon the suggestion, I would say that all information with respect to the Irish Church Body may be most conveniently obtained by referring to the Report of that Body, which gives all the particulars connected with their transactions. I do not see any objection to giving the Return asked for, if it is in our power to give it; perhaps the hon. Member will allow me to make the inquiry.

CRIMINAL LAW—THE CONVICT SERVICE.—QUESTION.

MR. WATNEY asked the Secretary of State for the Home Department, If the representations made by the Officers of Her Majesty's Convict Service as to the hours of duty they are called upon to perform will be taken into consideration by the Commission upon the Civil Service; and, what arrangements have been made for taking their evidence upon the subject?

MR. ASSHETON CROSS, in reply, said, that so far as he was aware no formal representations had been made. A representation had been made with reference to certain regulations which were laid down by the late Government by some association; but so far as he was aware no formal complaint had been made on the subject.

HONDURAS—THE MINISTER PLENIPOTENTIARY.—QUESTION.

MR. KINNAIRD asked the Under Secretary of State for Foreign Affairs, Whether during the various changes in

the Government of the Republic of Honduras, owing to revolutionary causes, the Presidents of that State have from time to time renewed the Credentials of Don Carlos Gutierrez as Minister to this country, and if it is necessary that they should be so renewed; and, whether Don Carlos Gutierrez has been and is still acting upon his Credentials, dated the 13th December 1859?

MR. BOURKE: Sir, M. Gutierrez has been and still is acting upon his credentials as Minister Plenipotentiary from the Republic of Honduras, dated the 13th December 1859. The Foreign Office has received no credentials from any President of that Republic since that time, nor any letter recalling M. Gutierrez. It is not necessary, according to diplomatic usage, that they should be renewed.

OFFICERS OF CONVICT PRISONS.

QUESTION.

SIR HENRY PEEK asked the Secretary of State for the Home Department, Whether it is true as stated in an evening paper, that the allowance for lodgings for Officers of Convict Prisons having been raised in July last, the rent of the officers who reside in Government quarters has been raised by precisely the same amount, whence the gain is, in these cases to men nothing, and the extra concession by the Government also nothing; if he would state to the House what rate of lodging allowance was paid to subordinate officers in the Convict Service, not living in Government Quarters before July 1873, and what has been paid since that date; what rent was paid by officers who live in Government quarters before July 1873, and what has been paid since that date; what extra charge has been thrown on the public this year by the increase in the lodging allowance to Officers in the Convict Service; what were the rates of pay of Warders in the Convict Service before July 1873, and what since that date; and, what was the allowance for rations before July 1873, and what since that date?

MR. ASSHETON CROSS, in reply, said, he had made inquiry of the Director of Convict Prisons, and he found that the allowance for officers who resided in Government quarters had not been

either before or since July last, and the officers in Government are paid any rent at all. The amount charged for the current year shows an increase of £3,500.

MY—MARTINI-HENRY RIFLE.

QUESTION.

MR. BARTTELOT asked the Secretary General of the Ordnance, Whether he will lay upon the Table of the House the Report of the Committee on Arms from which he read an extract on Thursday last the 14th May, as to the opinion of the Martini-Henry whether he will lay upon the Table of the House the Report of the Committee on the Ordnance of the two Battalions of Infantry who have had the Martini-Henry rifle in use for the last year; and any other Reports of the Committee on the Ordnance of the two Commanding Officers of regiments; and, if the Return in the Library of the House is correct, that the 62,023 Martini-Henry Rifles delivered in 1873 cost £1 3s. 11d. without the bayonet, and what the intended alterations?

MR. EUSTACE CECIL: Sir, my friend and gallant Friend is in error when he speaks of my having read an extract on Thursday last, the 14th May, of a Report of a Committee. What I read from was a private Report from the Secretary of Artillery upon his question, and it is not in accordance with the custom to produce it. I shall, however, be very happy to produce the Report of the two battalions of Infantry, the Minutes of the Conference relating to the minor alterations recommended, if moved for in the usual manner. The Return presented to Parliament of the cost of the Martini-Henry rifle produced in 1872-3 at Enfield is £1 3s. 6d.—below the original estimate of £3 0s. 5d. 4 3s. 11d. being accounted for by the price of wages and materials; which have risen considerably meanwhile, and by the fact of the cost of plant contained in the £4 3s. 11d. I add that from savings in wages, materials, and machinery subsequently, the rifle is now being produced at Enfield at less than the original estimate of 0s. 5d.

POST OFFICE ESTABLISHMENT— SALARIES.—QUESTION.

MR. FORSYTH asked the Postmaster General, If he can inform the House within what period it is likely that definite arrangements will be made as to the pay of the persons employed in the minor establishments of the Post Office?

LORD JOHN MANNERS, in reply, said, that much time, care, and attention were required before definite arrangements could be made. He trusted, however, that he should be in a position to bring under the notice of the House a definite scheme shortly after Whitsuntide.

NATAL—THE RECENT OUTBREAK OF NATIVE TRIBES.—QUESTION.

MR. KNATCHBULL-HUGESSEN asked the Under Secretary of State for the Colonies, Whether he can give the House the latest information as to the recent outbreak among certain native tribes in the Colony of Natal, especially as to the means taken to suppress that outbreak, and the measures adopted since its termination; and, whether he will lay upon the Table of the House Papers upon the subject?

MR. J. LOWTHER: Sir, the latest information as to the recent outbreak in Natal is to the effect that tranquillity has been completely restored. Papers are now in course of preparation which will show the means taken to suppress the disturbances, and the measures which have since been adopted. These Papers will shortly be completed by the addition of some further despatches which are being awaited, and will then be presented without delay.

GOLD COAST—THE SUPPLEMENTARY ESTIMATES.—QUESTION.

MR. JOHN HOLMS asked the Under Secretary of State for the Colonies, Whether with the Supplementary Estimates which he proposes to introduce after Whitsuntide, relating to the expenditure of the Gold Coast, he will also give an estimate of the annual amount proposed to be expended on account of our Military Forces in the Settlement?

MR. J. LOWTHER: Sir, the Supplementary Estimates referred to by the hon. Member will not include any expen-

diture in respect of our military forces upon the Gold Coast, but they will contain a provision for the maintenance of a force of armed police. Without anticipating the statement I shall have to make to the House, I may mention that the substitution to a considerable extent of police for a military force will form an important feature in the plan about to be adopted.

THE STAMP ACTS—RAILWAY STOCKS AND DEBENTURES.—QUESTION.

MR. HEYGATE asked Mr. Chancellor of the Exchequer, If his attention has been called to the unequal pressure of the Stamp Acts in their incidence on the transfer of Railway Ordinary and Preference Stock, Debenture Bonds, and Debenture Stock respectively?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he had communicated with the Board of Inland Revenue on the subject. To some extent these duties were a compromise, and it must be admitted they were somewhat confused. He was not able, however, at present to give his hon. Friend any further information.

IRISH FISHERIES—LEGISLATION.

QUESTION.

MR. BUTT asked Mr. Chancellor of the Exchequer, When he will bring in a Bill on the subject of appropriating a fund to the purposes of the Irish Fisheries?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he was in communication with the Chief Secretary for Ireland on the subject of the Irish Reproductive Loan Fund, and hoped to be able to bring in a Bill shortly after Whitsuntide.

MERCANTILE MARINE—STEERING AND SAILING RULES.—QUESTION.

SIR JOHN HAY asked the President of the Board of Trade, To lay upon the Table of the House Copy of the Report of the Conseil d'Amirauté to the French Minister of Marine on "the Steering and Sailing Rules," presented to the Foreign Office on the 15th day of May 1874?

SIR CHARLES ADDERLEY: Sir, the Report has only just been received by the Board of Trade, and should not

be presented without some observations upon it from the Board, who would wish to consult the Trinity House and Admiralty first. I will then present it; or the hon. Gentleman might move for it as an unopposed Return, adding the words, "with further Papers."

FRANCE—REFINED SUGAR.

QUESTION.

MR. COOPE asked Mr. Chancellor of the Exchequer, What steps have been taken to induce the French Government to suppress the bounties at present existing on the export of refined sugar, by putting in force the system of refining in bond, at an earlier date than that fixed, viz. at July 1875?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the Government had made a Report to the French Government, and Lord Lyons had been instructed to impress upon them the necessity of putting an end to the bounties at present existing on the export of refined sugar by putting in force the system of refining in bond. He believed that the French Government had directed inquiries to be made, and the matter was still under their consideration.

THE IRISH LAND ACT, 1872—LEGISLATION.—QUESTION.

MR. DILLWYN (for Mr. SEELY) asked the hon. Member for Tralee, If it is his intention to proceed with his Bill for the extension of the provisions of the Irish Land Act of 1872 to England and Scotland?

THE O'DONOGHUE, in reply, said, that it was his intention to proceed with his Bill if he could find a day on which it would be fully discussed and a division taken. He feared, however, that he should be unable to find such a day this Session.

FORESHORES (IRELAND)—RETURNS.

QUESTION.

MR. CALLAN asked the President of the Board of Trade, When the Return, ordered by the House on the 23rd of July 1873—

"Of all Leases, Grants, or Charters of any rights of the Crown along the sea shores, or to the beds or shores of tidal rivers, of the county of Louth, from Clogher Head to the River Newry at Omrath, made previous to the year 1827, distinguishing such rights, to whom and

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consideration granted, date of grant, grantee, and name of place whereof it has been made,"

said upon the Table of the House; and what cause has arisen this now extending over a period of this?

HARLES ADDERLEY: Sir, Member's Question must be put secretary to the Treasury, as the ment of the rights of the Crown foreshores dealt with before is not transferred to the Board by the Crown Lands Act, 1866. **W. H. SMITH** subsequently hat upon search among the ens of grants from the Crown in the Public Record Office of Ireland, it appear, in the absence of evidence, that any lease, grant, or, containing any grant of the the Crown to "foreshores," or right of the Crown "along the sea," or "to the beds or shores rivers" of the county of Louth at Clogher Head and the River at Omeara, had been made prior year 1827.

THE ANNUAL FINANCIAL STATEMENT.—QUESTION.

FAWCETT asked the Under Secretary of State for India, Whether able to name the day when he will bring forward the Indian Budget?

GEORGE HAMILTON, in reply, that in the present position of Business, he was unable to name a day when it would be brought forward, but that the intention of the Government was to submit it on a day probably earlier than had been the case during the last five years.

PING DRAINAGE DISTRICT. QUESTION.

LUSH asked the President of the Local Government Board, What sum of money has been expended on Sewer and Drainage Works of the Special Drainage District, and arrangements have been made, or intended to be made, in respect to payment; whether the President is of the fact that more than two-thirds of the houses in the said district are entirely devoid of a water supply for drainage, and that the mortality in the district last year was not less than

thirty per thousand; and, whether any steps are being taken towards the completion of the works; and, if not, whether it is the intention of the Local Government Board to cause the Rural Sanitary Authority of Epping to do its duty in the matter?

MR. SCLATER-BOOTH: Sir, the sum spent on the Epping Water and Drainage Works amounts to about £11,500. I am aware that the Drainage and Water Supply of the district are defective, and that the rate of mortality is very high. With regard to the Question what steps are proposed to be taken with a view to the completion of the works, and to secure the repayment of the money, I received only yesterday a deputation from Epping, and would prefer to defer giving an answer till after Whitsuntide.

NEWFOUNDLAND—TELEGRAPH MONOPOLY.—QUESTION.

MR. E. JENKINS asked the Under Secretary for the Colonies, Whether any steps have been taken by the Secretary of State to induce the Government of Newfoundland, in the interest of Europe and America, to terminate the Telegraph monopoly in that Island; and, whether, in view of the importance of the subject, there is any objection to lay before Parliament at an early day any Correspondence that may have passed between the late or present Secretary of State and the Governor of Newfoundland and other persons on this subject?

MR. J. LOWTHER, in reply, said, there had been some confidential Correspondence on the subject between the Colonial Office and the Governor of Newfoundland; but, owing to the recent change of Administration in that Colony, there had been no opportunity for the views of the present Ministers to be laid before the Secretary of State. The latest information received was, however, to the effect that the subject was engaging their attention. It would, therefore, not be convenient to produce any Correspondence at present.

INTOXICATING LIQUORS BILL. QUESTION.

SIR WILFRID LAWSON asked the Under Secretary of State for the Home Department, When certain Returns to

which he had referred in the course of the Debate on the Government Intoxicating Liquors Bill, and on which in a great degree the Bill itself was understood to be founded, will be laid upon the Table of the House?

SIR HENRY SELWIN-IBBETSON, in reply, said, they were laid by him on the Table of the House on the following day. He believed they would be printed and in the hands of hon. Members before the House separated for Whitsuntide; but, if not, hon. Members would receive them during the Whitsuntide Recess.

Orders of the Day postponed till after the Notice of Motion relative to the Army (Lord Sandhurst).—(*Mr. Disraeli.*)

ARMY—(LORD SANDHURST.)

RESOLUTION.

MR. ANDERSON, in rising to call the attention of the House to the conduct of Lord Sandhurst, the Commander in Chief of the Forces in Ireland and to move—

"That, in the opinion of this House, his having been absent from duty for seventeen months out of thirty-four, his making repeated erroneous Returns to the War Office as to his absences from duty, misleading the Accountant General, and thereby receiving Public Money to which he was not entitled, involves such dereliction of duty as calls for some stronger mark of censure than the mere return of the money wrongly received."

said, that the Motion had more importance than it deserved bestowed upon it in consequence of a statement which fell the other day from the Prime Minister, who described the Motion as a charge of corruption against a Peer of the Realm. He had, however, made no charge of corruption against that Peer of the Realm. ["Oh, oh!"] He entirely disclaimed such an accusation. His Notice of Motion was very carefully worded. It detailed certain facts concerning the absence of Lord Sandhurst from duty for 17 months out of 30, the making of erroneous Returns relating to this absence, and it stated that those erroneous Returns misled the Accountant General, and that, owing to the Accountant General being misled, the noble Lord obtained public money to which he was not entitled. But all those statements were simply undeniable facts shown by the Papers before the House. They

were no charges of his making. The Motion simply charged that these facts amounted to a dereliction of duty, and that they did so amount to a dereliction of duty was what it was incumbent upon him to prove to the House. They did not involve any charge of corruption and he had never said so either publicly or privately. Whether an act was corrupt or not depended upon the motive with which it was committed, and there was no corrupt motive there could be no corruption in the act, and in this case he did not allege any corrupt motive. He might, perhaps, be permitted to refer to a matter somewhat personal to himself. He had been informed that this Motion had within the last few days been discussed in a party consisting of four or five Members of the House, and that one of these Gentlemen stated openly that there were wheels within wheels, and that he was attacking Lord Sandhurst from private animus because the noble Lord had cashiered a relative of his in India. He did not know who the Member was; but he desired to give the statement itself the most unqualified contradiction which the usages of Parliament permitted. He was not aware what was really the strongest word which he might be permitted to use; but, whatever the word might be, he desired the hon. Member to consider that word used towards him. He felt a little warm on this subject because he had had very near relatives in both services but not one of them had been cashiered or censured by Lord Sandhurst or any one else. Indeed, he was not aware that he had a friend or acquaintance who had been cashiered or censured. He knew that there had been an officer whose case had been brought forward in that House; but it was so long since that he had forgotten even the officer's name. He had taken up the case purely on public grounds, and he had continued it solely from the same motives. He might, perhaps, as well tell the House how he came to take the matter up. Ireland, they were told, was a turbulent country, requiring a strong military force to keep it in order, and that being the case he was somewhat astonished to find that the Commander-in-Chief was absent from his duty for more than half his time, and that he drew full pay and allowance just as if his office was a sinecure. So much was he surprised that, at one time

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he had it in contemplation to move the abolition of an office which appeared to be so useless. When these irregularities afterwards came out he was as much surprised as was the War Office itself. In the 12th of June, 1873, he had asked that House how long Lord Sandhurst had been absent from his duties during the preceding 12 months, and whether during his absence he had drawn his pay and allowances. In reply, Sir Henry Storks said that during that time Lord Sandhurst had been absent three months on sick leave. Knowing that answer to be erroneous, and having had considerable experience of the erroneousness of War Office replies—[laughter.] Hon. Members might laugh; but he did not believe that he was the only Member who had felt that some Departments of Government regarded a questioner as if he were a mortal enemy, and thought it the last thing in the world they ought to do was to give a correct reply to questions that were asked. He knew that the answer was not correct, and he was a friend to write to Dublin to make inquiry. The result was that he found Lord Sandhurst was away for very nearly double the time, and he learnt, that if he carried the inquiry further back he would find it was still worse. He then repeated his Question, extending it to the 30 months previously, and he found that Lord Sandhurst had been absent 15 months out of at time; but he was told in the official reply that such absence was due entirely to professional duty in England, entirely to his duty of attending Parliament, and partly to sick leave. He was told, moreover, that the noble Lord during that time had drawn his pay and allowances; but that the Accountant General had raised objections, and that the matter was being inquired into. On the 31st of July, 1873, he had asked whether the Correspondence on the subject was complete, and whether the decision arrived at involved any charge to anyone, or any repayment of pay and allowances for the time of the noble Lord's absence from Ireland, and in that case how much the repayment would amount to. The reply was that the Accountant General's objections had been sustained by the War Office; that Lord Sandhurst's absences had not been entered in his pay lists; that £753 11s. had been returned; that

the Question had led to the discovery, but that even if he had not asked the Question the discovery would probably have been made. That was the history of the circumstances which had led to the production of these Papers. He had thought it desirable that the House should know the nature of the objections which had been raised to Lord Sandhurst's accounts, seeing that they were of such a nature as had led to his having to repay the sum of £753, and therefore he had moved for these Papers last Session, when a part of them were laid upon the Table of the House. The remainder of the Papers having been laid upon the Table this Session, he was anxious that they should be printed: because he felt the great inconvenience of their being simply placed in the Library without being distributed among hon. Members. The reason why they had not been printed was because no mode of printing which the House recognized would bring out the real points in the case, which were to be found not so much in the Correspondence as in the accounts. It was necessary that the War Office forms, Lord Sandhurst's mode of filling them up—his explanation being scrawled across them, instead of being written on a separate piece of paper, and his mode of attaching his signature to some of the accounts by gumming it on them, should be brought under the notice of the House. The form issued by the War Office, in which absences were to be recorded, was attached to the pay list, and contained two columns, one in which absences with leave during the current month were to be recorded, and one in which the total absences during each month since the previous 5th of April were to be entered. There was a foot-note attached to this form which stated that these columns must in all cases be filled up, and that when there had been no absence the word "nil" was to be entered in them. Of the 29 monthly forms which Lord Sandhurst had filled up, no less than 20 of them should have contained entries of absence for a certain number of days, but only two of them contained such entries. In the absence columns of the remainder the word "nil" had been filled in, indicating that Lord Sandhurst had not been absent during the 27 months to which they referred. There were two sets of accounts for each month, each

separately made and each separately signed, so that there were altogether no fewer than 36 erroneous accounts sent in by Lord Sandhurst. In the case of two of these accounts Lord Sandhurst's signature had been attached by means of gum, having been written on a separate piece of paper. That occurred when the noble Lord was in the South of France. He supposed the noble Lord thought that the accounts would look better if they had his signature in some form or other; but he did not suppose the noble Lord would like his bankers to pay cheques which had his signature attached to them in such a manner. It was only fair to Lord Sandhurst to say that his explanation for putting "nil" in the absence columns when he was away from Ireland was that these columns were headed "absence with leave," whereas he was absent without leave. The view of the War Office, however, was that if he were absent it should have been either with leave from that Department or from the Commander-in-Chief. Therefore, those columns should have been filled up properly. The noble Lord, however, was not consistent in his statement, because while he stated that he was absent from February to May, 1873, with leave, he had entered "nil" in the forms for those months also. Moreover, in the forms for January and February, 1872, the entry in the former was "28 days absence," and in the latter "five days absence," making out that he was only absent for 33 days, when, in reality, those 33 days were only part of an absence which really extended to six months. Lord Sandhurst acknowledged that he had signed the accounts in a perfunctory manner; but it appeared to him that an officer dealing with money accounts, especially with money accounts involving his own pay, was called upon by every consideration not to deal with them in a perfunctory manner, and that to deal with them so was to commit an official sin of which the War Office was bound to take cognizance, and to set down their foot upon such a practice most firmly. He did not say that Lord Sandhurst had made these errors in his accounts for the purpose of concealment—there was no evidence of that; but he should wish to draw the attention of the Judge Advocate General to the 85th, 86th, and 89th sections of the Articles of War, which

treated omissions by an officer in his accounts and returns as severely as actual falsifications, for which an officer was liable to be cashiered. He was afraid that if a junior officer had made erroneous returns which would have the effect of putting money into his own pocket, when the case came to be considered by the War Office it would be very hard with him. He had endeavoured to make a short abstract of the letters which were in the Library, which he would read to the House. The first, which was dated the 26th of June, 1873, was from the War Office to Lord Sandhurst, asking as to his absences during the past 30 months. The next was Lord Sandhurst's reply, in which he stated that his first absence was for four months on duty; the second was for three months on Parliamentary affairs; the third was for six months for ill-health, during which time he did not go much into society, but was able occasionally to attend Parliament; the fourth was for three weeks in London on duty; and the fifth was for four months in the South of France for ill-health. The noble Lord added that it would be as reasonable for him to claim a portion of the salary of the Lord Lieutenant during his absence, as that he should give up any portion of his own salary during the time he was away from Ireland. The noble Lord further stated that he had accepted the Irish command with sincere reluctance, having shortly before declined to stay longer in India, where for 15 years he had not known what it was to be relieved from the cares of high office for a single day, and that the duties connected with the Army and the general administration of India had been for the greater part of that time of the most arduous and laborious description. The next letter, dated 2nd of July, was from the War Office to Lord Sandhurst, and pointed out that his Returns for the last 30 months did not disclose any absence on his part beyond the usual period of leave, and that circumstances, taken in connection with his present letter admitting absences, raised questions which required explanation. The fourth letter was dated the 7th of July, and was from Lord Sandhurst. In it he said that as regarded his absences he had followed the course which had always prevailed during the time of his predecessors; that it had not been customary

for the Commander of the Forces in Ireland to obtain leave of absence; and that it had been considered sufficient to acquaint the Adjutant General of the fact in a private form, and that the Commander of the Forces in Ireland had not been in the habit of demanding official leave of absence, as was the case with subordinate officers; that he had ascertained that to be the custom on taking the command in 1870, and had adhered to it as established by long prescription and precedent; that in February, 1873, he had applied formally for leave, but that was an exceptional case, as he was going abroad; and these facts, he said, accounted for the non-record of his absences. The next letter was dated the 8th of July, and was from the War Office to Lord Sandhurst, stating that the Returns had been prepared in a manner different from those of his predecessors, and that it was necessary they should be corrected, so as to make them consistent with the facts of the case. The Report of the Adjutant General of the 8th of July stated that it had been the practice of the Commander-in-Chief in Ireland to report his absences from command in the pay lists, and he gave instances of this. To this letter Lord Sandhurst replied on the 9th of July, stating that the accounts would be corrected, but that there would be little to correct, as he had verified his statement reference to the head clerk, who was a person of 37 years' experience; that there was no column for absence on duty, and that consequently that did not appear on the Returns, and that he only followed as his predecessors had done. The War Office wrote to Lord Sandhurst on the 10th of July, stating that the intention of the Return had been misunderstood, as it had been designed to show the actual fact of the presence or absence of each officer; that in the case of absence on professional or Parliamentary duty a statement that such was the cause of the absence ought to have been given; that the Secretary of State did not understand the Commander of the Forces to be absent without leave of His Royal Highness, although leave had not been obtained in a formal manner, and that on those points the Returns must be corrected, when they would be again examined. Letter 8 was from Lord Sandhurst to the War Office, and was dated July 11. In it he maintained his

former opinion, and returned the accounts with remarks written on them. He said that the form of accounts was deficient; that he carried his command with him wherever he might happen to be, and suggested the implied sanction of his conduct by the authorities; and he added that the action of the Accountant General in such a matter was irrelevant. The next letter, which was from the War Office to Lord Sandhurst, stated that the noble Lord had misunderstood the pay list form, and pointed out that it was shown by a foot-note to be a record of actual absences, adding that His Royal Highness was not aware of the misunderstanding, could not have given any implied sanction, and did not admit the view that discharge of duty out of Ireland was acknowledged by superior authority, and was consistent with the practice of his predecessors. Letter 11 sent the pay lists, and then came a letter from Lord Sandhurst to the War Office, dated July 17, stating that no deductions were to be made for absences in 1871, when he was away on duty, but that in 1872 he appeared to have been away 88 days more than were admissible, and 92 days in 1873 more than were admissible—that was, more than the 61 which were allowed to staff officers in every year; and it mentioned the amount of the retrenchment as £753 11s. The next letter was dated July 19, and was from Lord Sandhurst to the War Office, arguing against the retrenchment on the grounds previously given, and suggesting that as regarded his Parliamentary absences, they might have been modified if he had understood the consequences, adding that he would not have accepted the command if he had conceived it possible that such an interpretation would have been laid down, and that his absence in Parliament was with the full knowledge of the War Department. Then he gave instances of Lord Strathnairn's absence, which he said had not been recorded. This was followed by a letter from the War Office, dated the 29th of July, stating that they could not adopt the view that high office was an exception to the rule as to absence, which governed all Staff appointments, or that the holders of high office should be judged by special rules; that, on the contrary, they were subject to all the ordinary rules; that although leave of absence

had been applied for in a less formal way in this case, still that the absence must be with the leave of His Royal Highness; that the Secretary of State agreed with His Royal Highness as to the manner in which the Returns ought to have been filled up, and if that had been correctly done, no misunderstanding would have arisen; that Staff pay and allowances were strictly remuneration for local services; that the Accountant General thought table money should be similarly disallowed; but as it had not been customary to make deductions for table money, no such deduction would be made, but that a new rule would be made on the subject. They denied that the example of his predecessors to which he had referred, or any excess above 61 days, had ever been sanctioned by the War Office, and added that the 61 days' leave was only allowed at the end of 10 months' service. The next letter was from Lord Sandhurst, and was dated the 2nd of August. In it he again urged his claim for exemption from stringent rules, admitted his too perfunctory signature to the pay lists, as he had considered them mere receipts; and he submitted that even if his absences from ill health were to be deducted, those for attendance to Parliamentary duty ought not to be, as he had been all along in constant consultation with the War Office while the Army Bill was before the Houses; that if there was to be a change of system it ought not to be retrospective, and that there had been a tacit acquiescence on the part of the War Office. The reply of the War Office controverted all the noble Lord's arguments, and referred to the obligations of the Royal Warrant, adding that absence on military duty under the sanction of superior authority was the only exception allowed beyond the 61 days, and that there was no occasion for Lord Sandhurst's residence in London after the 3rd of April. They denied that there had been any tacit assent on their part to absence beyond the 61 days, but stated that the absences in excess of the rule were not noticed by the Accountant General, only because not recorded in the pay lists, and that when the Accountant General became aware of such absences he raised the objections. On the 7th of August Lord Sandhurst wrote to the War Office repeating all his old arguments, and claimed to have been of such service to the Government in

respect of the Army Bill that if he had not been in London it would have been necessary to have sent for him. The War Office replied on the 8th, saying that the Secretary of State was governed by the regulations of his Department, and did not accept Lord Sandhurst's account of the indispensable nature of his services, especially in the latter portion of the Session of 1871; that he had acknowledged in Parliament the value of those services, but that no such consideration would justify his straining or violating the Royal Warrant in respect of pay and allowances. Such was the Correspondence that had taken place. But it was fair to Lord Sandhurst to go a little further. A new series of letters commenced, and Lord Sandhurst wrote to the War Office, expressing his profound regret that certain formal Orders had only then come to his knowledge, which he had omitted to mention at the time he gave his explanations of his absence; that he found his memory had been altogether at fault, and that in his explanation he had erred considerably with respect to absences which he found had been greater than those he had acknowledged. He expressed very great regret at this, naturally enough; and the consequence was that the War Office sent him in a new bill for further retrenchment, amounting to £127 14s. It certainly seemed to be an extraordinary thing that Lord Sandhurst, in explaining his absences in so formal a way to the War Office, did not appear to have referred to the documents in his own office, to ascertain what really those absences were. The Orders were dated the 30th of December, 1870, handing over the command to the officer next in rank the 10th of May, 1871, on leaving Ireland the 2nd of August, on returning; 4th of January, 1872, on leaving Ireland; 17th of July, on returning; 2nd of October, on leaving again; 24th of the same month, on returning; 9th of February, 1873, on leaving; and 2nd of June, on returning. Those Orders were simply handing over or resuming the command. He had now dealt with Lord Sandhurst's letters, and in a perfectly fair and impartial way, and had stated his own arguments in his favour, along with the arguments of the War Office in reply. He had proved, he thought, that there was 17 months' absences from duty of 34, that the Returns were erroneous

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regarded those absences, as stated in the Motion; that those erroneous Returns misled the Accountant General, as stated in many of the letters from the War Office; that Lord Sandhurst did receive public money to which he was not entitled—that fact being proved by his having had to repay it. The remaining point—the only one which he required to prove was—that there was on the part of Lord Sandhurst, “such a dereliction of duty as called for some stronger mark of censure than the mere return of the money wrongly received.” To prove dereliction of duty, it was not necessary to prove corruption; he simply said Lord Sandhurst had made an erroneous Return, and he believed Lord Sandhurst had done it principally through entertaining a very undue estimate of the importance of the position he occupied; that he supposed it was outside and above the Royal Warrant relating to Staff appointments, that he was not obliged to ask for leave of the Commander-in-Chief of this country, of the War Office, or anybody else, but that he was entitled to go where he pleased and when he pleased. He acted in ignorance of his position as defined by the Royal Warrant; but ignorance of the law was never allowed to justify a breach of it in any other rank of life, and he did not believe it would in the Army either, in any subordinate post. Lord Sandhurst said he only did as his predecessor Lord Stratthairn had done; but the War Office denied that altogether; and, if it were true, two wrongs did not make a right; it would not justify him in acting in contravention of the Royal Warrant and of the Articles of War. If this plea was to be admitted there was an end to all discipline and good order in the Army. Lord Sandhurst admitted in the fullest manner that he had been too perfunctory in the signing of his accounts, and that he held to be a grave offence. The sending of signatures on pieces of paper to be gummed on to the accounts was more than a perfunctory act, and he did not see how it could be passed over or excused. It was necessary for the maintenance of discipline and order in the Army, for an example to all other officers, and necessary for the War Office itself, to enable it consistently to punish similar offences, that such an offence as this should be visited with strong censure. Some might

think the repayment of the money was punishment enough; but that was no punishment at all, it was simply a question of accounting. It was no punishment to him to restore money which came into his hands wrongly, or by accident, and which he ought never to have had; and he could be punished only by some form of censure. So far as he knew neither the late War Office nor the present War Office had passed such censure. A lesson to be learnt from the incident was that there must be something wrong in the auditing of the War Office accounts when these errors could go on for three years without being checked. Until he happened to ask a Question in this House, nothing was known of these irregularities, the discovery of which was purely accidental. They might be going on in other quarters, and they might have existed for a long time in this, as Lord Sandhurst affirmed, though the War Office denied it. The moral seemed to be that there should be an outside audit for the accounts of the War Office and of other Departments. He had not agitated this case against Lord Sandhurst; but having moved for Papers, he thought he ought to allow the House to pass some judgment upon the matter. He hoped he had brought the matter forward in as fair a manner as possible to Lord Sandhurst, and he had not even provided a Secunder; he left it to any hon. Member who thought he had made out a case to second the Motion by lifting his hat so as to put the matter before the House. He was entirely indifferent to the decision of the House; he had no personal animus against Lord Sandhurst, whom he had never seen to his knowledge, and of whom he knew nothing more than the public knew. The hon. Gentleman concluded by moving his Resolution.

MR. P. A. TAYLOR seconded the Motion.

Motion made, and Question proposed,

“That, in the opinion of this House, Lord Sandhurst, the Commander in Chief of the Forces in Ireland, having been absent from duty for seventeen months out of thirty-four, his making repeated erroneous Returns to the War Office as to his absences from duty, misleading the Accountant General, and thereby receiving Public Money to which he was not entitled, involves such dereliction of duty as calls for some stronger mark of censure than the mere return of the money wrongly received.”—(Mr. Anderson)

MR. GATHORNE HARDY: The hon. Member, to whom I shall not impute any motive such as he has assumed might be ascribed to him, has brought before the House a question which he considers of vast importance, but which, in the mode in which he has stated it, seems to me to be of less importance than he has attributed to it. Any hon. Member, taking this Motion in his hand, without any prejudice and feeling on the subject, would consider it was meant to bring a grievous censure upon the officer against whom it is directed—if, indeed, it be directed against him, and not rather against the Government which kept him still in the position of Commander of the Forces in Ireland. From the conclusion of the speech of the hon. Member anyone would suppose that the censure he invites the House to pass is to be passed, not upon Lord Sandhurst, but upon the War Office, which had condoned his neglect, and had only required him to return the money. The hon. Gentleman has told us that he has most carefully endeavoured to bring no charge of corruption against Lord Sandhurst, and yet as he proceeded he apparently found it impossible to abstain from coupling his statement of facts with remarks implying that money considerations materially affected the question. I think he quoted the letters with the most perfect fairness, though there are in them one or two things I should have wished him to bring more prominently forward. Now, what would a gentleman of honour, integrity, and high feeling say if he found a charge of so grave a nature imputed but not directly preferred? What would he say if on the part of the gentleman against whom the charge was made, there was no concealment—no attempt to disguise any of the facts? Surely that would, at all events, be evidence in his favour. Well, Lord Sandhurst has from the beginning to the end of this matter contended that, as Commander of the Forces in Ireland, he occupied a different position from that of subordinate Staff officers, and has acted upon that assumption. The use of detached signatures occurred when he was in the South of France. He did not wish the pay-sheets to be sent out to be attached to them at home, and he sent home signatures on a piece of paper. ["Oh, oh!"] Gentlemen may cry "oh, oh!" but

I am keeping back nothing; Lord Sandhurst kept back nothing. I am not standing here as his advocate: I am here merely to represent my own Department; and my duty is, as far as I can, to hold the balance in such cases as this; and, so far as I can, to see that Parliament does not take upon itself a function which it is ill-calculated, generally, to discharge, and which in many instances it refuses to discharge. With respect to the gummed signatures, so far as he was concerned, they might have been attached to any document which prejudiced him just as much as to any document in his favour. He gave no instructions; he gave no single direction as to what pay and emoluments he should receive; and he put his signature to the pay-sheets, believing, no doubt, he was entitled to the pay, just as he believed he was entitled to the table money, which it was intended to take from him, but which it was found he was authorized to receive in accordance with the custom which had prevailed. What was his position? It was a very high one. He believed that he was entitled to, and did, practically, command the Army in Ireland as long as he remained in the United Kingdom; and during all the time he was in England all matters of importance were referred to him. That may be seen from the details of the correspondence carried on while he was in England. I will now call attention to the circumstances which are made the grounds of the charge. Lord Sandhurst came home from India about three months prior to August, 1870, after occupying one of our highest commands for 12½ years; and he expressed reluctance to take any command whatever. He had been absent from this country 15 years, and though I am sorry to say his health has lately been extremely bad, he could say, what probably no other officer could say, that until he went to Dublin he had never since 1836 had sick leave at all. During his whole service in India he had not once been home on sick leave or furlough. On coming to England, therefore, he was told by his medical advisers, as stated in his letters, that rest was very desirable for him, and that he had far better take no command. He says again and again that he did not know what sort of command it was, and that had he known it was not the inde-

pendent position he supposed, he would never have taken the command. His sick leave, which I think no one will grudge him, was no doubt a long period together; but it was not a long period in comparison with the services he rendered without any such leave. Certain things have since come out which tend to show how his sickness was severe—for I am told that his house

Dublin has been found to have been in an extremely unhealthy condition. Both winters he was seized with severe illness and had to leave for a time. In 1871 he came over by invitation of the Secretary of State for War to take part in the preparation of the Bill which was about to be introduced with respect to Army Reform, and it is admitted that from January till the 3rd of April—Lord Sandhurst fancied at one time it was for a longer period—he was really here on duty. Those services were very justly acknowledged by Mr. Cardwell on more than one occasion. Lord Sandhurst afterwards came over when the Bill was before the House of Lords on Parliamentary duties, and, as he believed, with a view also to assisting the War Office in conducting that measure through Parliament, and in many difficulties which arose his advice was no doubt at times taken, and he was in communication with the War Office. I am bound to say that, according to what the Under Secretary wrote to him, his services were not considered so indispensable as he had thought; but he was rendering services, and, as he supposed, real and beneficial services. It appears admitted, moreover, on all hands that, as regarded his attendance in Parliament, though he might not be entitled to Staff pay and allowances, he thought he had a right to be absent for Parliamentary duties, and that he was entitled to the pay and allowances which he had always claimed. In the winter he had to go away on sick leave, and came over to England. It is admitted that no formal leave had been asked by the Commander of the Forces; but he had communicated with the Field Marshal the General Commanding-in-Chief in a comparatively informal way, and had come over. Lord Sandhurst was ill for some time while in England; but, as appears from his letters, he conducted the business of his Department and was able to exercise the command in all important particulars, though he

left a Major General who could do all the routine work and could communicate with him on all special occasions. He was again engaged in Parliament that year. In the winter his illness became so severe that he had to leave the United Kingdom and repaired to France, under the advice not only of his medical attendants in Ireland, but of the best physician he could find in England. Now, not one of those absences is inconsistent with his right to absence, for he always sent intimation of his coming over, or was here to attend to his Parliamentary duties, which he did not think it necessary to communicate, deeming he had a right so to attend. I believe either a Peer or a Member of this House has a right to discharge his Parliamentary duties in that way. Let me add that, though there has been this large deduction from his pay and allowances, Lord Sandhurst was summoned during those three years to attend before Committees of this House. In 1871 he was summoned as a witness on a matter as to the India Establishment, and he also gave evidence before Committees on the Euphrates Valley Railway and on the health of the Army in garrison towns. Now, after the statement of the hon. Member that what he imputes to Lord Sandhurst is an error of judgment and a mistake as to his rights, should the great powers of this House be put in force in order to censure him? Upon a question where it is the right of the Crown to deal absolutely, as is the case with the Army, should this House, without inquiry upon oath—without court-martial—inflict an ineffaceable stigma upon the character of Lord Sandhurst? The House is asked to undertake a duty which properly belongs only to the Crown, and though I have searched for a similar case I have been unable to find one. The cases which have been brought forward are of a totally different character, and in those the House has almost invariably held that it is not a tribunal to entertain such questions, but that they should be left to the Crown. This matter, however, having been brought forward, there is no alternative but for the House to come to a vote and a decision upon it. I trust that in doing so the House will remember the real state of the case, that throughout the Correspondence there is no imputation of the slightest

fraud or concealment, and that the strongest expression used by the War Office is, that had a certain course been taken the "misunderstandings" which have arisen would not have happened. Last Session the hon. Member put a Question to my noble Predecessor as to whether he meant to censure anyone upon these transactions, and the answer was that no censure was to be imposed. I will not go into the question as to whether or not the War Office has a good system of accounts, because, as the hon. Member admits, that is not before us; but I know that, irrespective of the hon. Member's Question, the very first of these Papers which came in with the signature attached by gum attracted the attention of the Accountant General, and would have led to an investigation without any Question being asked. The other Papers, of course, are on a different footing. Lord Sandhurst did nothing by concealment, but came over openly, believing that his absences were fully known, and that he had a right to come over. When the House is called on to censure anyone who acts in that way, whether a Commander of the Forces or one in an inferior position, I must say that no assembly of gentlemen, wishing to be just, but would consider not only the admissions he makes, but the explanation with which they are accompanied. Now, the hon. Gentleman, though he tells us he has carefully considered the terms of the Motion, with a view to impute nothing fraudulent, improper, or corrupt, has used terms which are one-sided. He accepts the admissions which are frank and free—and though Lord Sandhurst did not consider his view erroneous, I quite admit that it was erroneous—and he declares his conduct a dereliction of duty, without saying anything of the explanations which Lord Sandhurst tendered with those admissions, thus giving a one-sided statement of the case. Were the Resolution to be carried, whatever the hon. Member may think, it would drive Lord Sandhurst from the position he occupies, because it would be a stain on his character, and would give pain and grief to everybody connected with him. As we are practically agreed upon the facts—which have never been denied by Lord Sandhurst—it is unnecessary to go further into them, and I am not this evening physically capable of doing so. I rather wish to draw

the attention of the House to what is a practical issue. Here is an officer who has served his country in all climates and under all conditions, who has risen to the highest rank in India, and appointed to one of the most important commands in the United Kingdom. He tells you as an honourable gentleman that in making these erroneous declarations he acted in the belief that he was doing what he had a perfect right—and many points still thinks he had a perfect right—to do. He has never been tempted any fraud or concealment from the public, and though he may have misled the Accountant General, that was nothing wilful or dishonest on his part. He asks this Assembly—may I hope that without any long discussion we shall come to a conclusion—to acquittal him, once and for all, an acquittal upon these transactions with the War Office. Do not condemn him whom the Court has not condemned, but leave him in the position which, by favour of the Court, he now occupies.

MR. HORSMAN: No one can have listened to the speeches we have heard without sharing the regret I have felt from the first, that all the Papers relating to this matter have not been printed and circulated among us. If that been done, the House would have seen that the question is a much larger and graver one than might be supposed from the speech of my hon. Friend. The answer, given under difficulties, was not of his own creation, but of the hon. Gentleman the Secretary of State for War. This cannot be treated as a mere personal question, beginning and ending with Lord Sandhurst. When a serious charge is made against an officer in his high position—a charge which every man in the Army feels as a reflection on the profession in which he takes part—when it has been the occasion of a controversy for many months between Lord Sandhurst and the War Department, raising the whole question of the relations between the Commander of the Forces in Ireland and the Horse Guards and between the Horse Guards and the Secretary of State; when that correspondence has resulted in Lord Sandhurst being coerced into refunding money which he has received, thereby implying an admission against which his nature revolts that he received it improperly; and when, moreover, it

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was almost suggested by the right hon. Gentleman's Predecessor that that question, which the right hon. Gentleman now thinks is not one for the consideration of Parliament, should be brought before Parliament and submitted to its decision, it becomes a question of importance to every Member of the House, far more interesting than nine-tenths of the Blue Books which are distributed among us without any regard to their importance. I had not read that Correspondence when I first saw this Motion on the Paper, but knowing the accuracy of the hon. Gentleman the Member for Glasgow (Mr. Anderson) and his business habits and his love of justice, I assumed that he had good grounds for what he stated in it. I therefore did not wish to see more of what appeared to be a very painful subject, but after the tone and manner of the right hon. Gentleman the First Lord of the Treasury in offering to give precedence to the hon. Member, I went to the Library and read the Papers most carefully, and, I must say, a more painful Correspondence, as regards an individual, or a more important Correspondence, as regards public interests, it has seldom been my fortune to peruse. The Motion to-day is one of the very gravest accusations I have ever known put on the Notice Paper of the House. Besides, the hon. Member for Glasgow does not do this of his own motion or on his own responsibility. He does it as the mouthpiece of the War Department.

MR. ANDERSON: I rise to Order. I beg to give that an unqualified contradiction.

MR. HORSMAN: My hon. Friend is quite mistaken what I have said, and he need not have applied to me the strongest language within the rules of Parliament. What I mean is this—that this inquiry was originated by the War Office. The charge against Lord Sandhurst was originated in the office of the Secretary of State for War. The judgment pronounced against Lord Sandhurst was pronounced by the War Department. The penalty exacted from him was exacted by the War Department, and my hon. Friend merely follows in the wake of the War Department in bringing the matter before the House. He has stated the charges and the grounds on which they rest; but, he adds, he hopes that Parliament will go a great

deal further and "mark with a stronger censure than the mere return of money wrongly received." I say these are the severest charges which, in my Parliamentary experience, I have known placed on the Notice Papers of this House. I quite believe, from the tone of the speech of my hon. Friend, that he did not intend to imply more than is stated; but I know what was conveyed to my mind, and I believe to the mind of every Member who first read the Notice. The hon. Member has shown from his own conviction of the merits of the case that it was quite certain to imply more than is expressed. What is really meant to be conveyed to everybody's mind by this Motion? It speaks of "an absence from duty for 17 months out of 34." That is a truth; is it the whole truth? That "absence from duty" implies that the absence was voluntary and avoidable—absence on pleasure, neglect of duty. That is what is implied. Then there is "his making repeated erroneous Returns to the War Office"—that conveys to my mind that he made false Returns. The words of the Motion are that he had "misled the Accountant General." It was not intended, but surely it is implied, that he had wilfully deceived the Accountant General, and I think that will be conveyed to the minds of Lord Sandhurst's friends. Then it is said "he received public money to which he was not entitled." After "misleading the Accountant General" these words certainly conveyed to my mind that he had fraudulently and dishonourably received it, and when the Motion adds that the mere return of the money was not a sufficient *amende*, I certainly thought it implied that Lord Sandhurst had admitted himself in the wrong; that he returned the money, and hoped that his fault would be condoned. All this I know was not intended by my hon. Friend; but it was conveyed to my mind and to the minds of many other Members of the House. Now, what are the facts? The right hon. Gentleman who has just sat down said there were 17 months of absence, but four months in the first year Lord Sandhurst came over, by order of the War Office, to assist the Secretary of State for War in completing and carrying through the scheme for the re-organization of the Army. We were told that he was the "friend, philosopher, and guide" of

the Secretary of State. In fact, he "coached" the Secretary for War. Lord Sandhurst was ordered to remain in London, and not a day did he not give to the Secretary of State. He was never absent from his post—his presence was absolutely indispensable while the Bill was passing through this House. Well, the Bill passed through this House, but what happened in the other House? The Government had no friend in the other House, and Lord Sandhurst was made a Peer, giving up all to serve them. He made speeches to order in the other House, and gave them every assistance, as he had done in this House. His whole time during the Session of Parliament was given to assist the Government to frame and to pass that measure. When he returns to Ireland his health breaks down—no wonder, after such hard work—and he goes on sick leave. Then what becomes of the imputation—I admit not made in terms—that Lord Sandhurst was improperly absent from his post? He was absent, but for three reasons—first, to assist the Government in framing their scheme of Army Reform and carrying it through this House; next, he accepted the Peerage and helped them carry it through the House of Lords; lastly, his health broke down, and he was ordered by his physicians to get leave and address himself to the restoration of his health. Is not his absence, then, accounted for? Was his absence in any respect voluntary or avoidable? His absence was on important public duty, for which those who sit on the front Opposition Bench of all others ought to thank him; and so every generous mind in this House will consider it. I have no knowledge or interest in this case but what I gather from the Correspondence; and that Correspondence tells me, so far as I can gather it, that there are two grave charges against Lord Sandhurst. I must say I never heard a question of a painful nature brought forward with better feeling than by my hon. Friend. It was impossible not to feel that he was acting in the discharge of a public duty, and not prompted by any personal feeling. There was no concealment of his (Lord Sandhurst's) absence—it was impossible he could be absent from his post for six months without the knowledge of the War Office or the Horse Guards. There was no con-

cealment in reference to the Accountant General. One charge, however, is that he had received public money to which he was not entitled. That is a charge which Lord Sandhurst denies, and will give the House the means of judging of its truth. But before doing so I will say one word as to the last point—that the mere return of money wrongly received is not a sufficient reparation. "The mere return of money!" This is a statement more than any other calculated to mislead the House and the public. My hon. Friend says he returns the money wrongly received. Did he return the money? If you put a pistol to a man's head and say, "Your money or your life," and he gives you his purse, is that making you a present of his money? But that is precisely what was done with Lord Sandhurst. The War Office said, "Refund this money." Lord Sandhurst in effect, though not in words, said, "I will not. That money is my right, and I will keep it." The War Office insisted. Lord Sandhurst had no choice. He was at the mercy of the War Department. They could stop him out of his pay; they could dismiss him from his command; and Lord Sandhurst returned the money. It was extorted from him, with a strong protest on his part against the injustice and tyranny of the proceeding. Then, is there one of these charges that is not disproved? Has it not been shown that there was no voluntary or avoidable absence?—that there was no deception of the Accountant General, and no voluntary return of the money? But I now come to the most important part of the whole question. Did Lord Sandhurst receive public money in the terms of the Motion, to which he was not entitled? What are the facts? A military officer of high rank and position is appointed to command in Ireland. He has certain pay and allowances. The pay is £3 15s. 10d. a-day, £1,000 a-year for table-money, an allowance for servants, forage for six horses, and some small additional allowances for lights and fuel. The question is, whether he was entitled to draw his allowances while he held the office of Commander-in-Chief though he happened not to be in Ireland? Had he a right to draw this money when he was not at his post? The question of table-money was raised in the War Office, and

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it would appear from what the then Secretary of War said that there was some obscurity as to the practice. He took some credit for not having pressed for repayment. But what is "table-money?" It is intended for the entertainment of the officers; but does it mean merely the expense of inviting a certain number of guests and giving them meat and wine? It is £1,000 a-year given to a Commander-in-Chief to entertain the officers in Ireland. I am addressing Gentlemen who are in the habit of entertaining, and I will ask my hon. Friend the Member for Reading (Sir Francis Goldsmid) how far £3 would go in entertaining one of his parties at which I have been happy to be present. When the Commander-in-Chief goes to Ireland entertainment is obligatory upon him. He has no choice about it, and he has £1,000 for the 12 months' entertainment! But it should be remembered that he has to purchase plate, table linen, and to invest a considerable sum in purchasing other articles, and he relies upon being repaid during the five years for which he takes the office. He necessarily passes a portion of that time out of Ireland. He has a large establishment imposed upon him in virtue of the duties of his office, and when he comes to England is he to dismiss his servants, turn off his cook, and sell his horses, when he may return to Ireland in a month or six weeks? Is he to dismiss his establishment, and are his table allowances to be cut off, and is he to have no income but his regimental pay to keep up the large establishment which he is compelled to maintain? Then he has forage allowance for six horses. Was he to keep them, or sell them and buy other six horses when he returned to Ireland? If he kept them they would cost some portion of the £1,000. What is he to do? The fair thing would have been for the Secretary of War to say—"You have been absent from a cause with which all must sympathize. We hope you will be soon restored to health, and we shall not insist upon your dismissing your establishment and selling your horses. You may go back any day, and we hope you will go back soon." Lord Sandhurst acted on the belief that he was to return. He drew his allowances, and never imagined that they would be withdrawn. But he was mistaken. On the 17th of July, 1873, he received this letter, stating—"In

1872 you were absent 149 days." The right hon. Gentleman said that no one could grudge Lord Sandhurst his allowance during illness, but his predecessor took a different view. He said—

"For the year ending 31st March, 1872, during which it is now shown that your Lordship was absent for 149 days—namely, 61 days on Parliamentary duty and 88 on account of ill-health. Staff-pay and allowances would appear to be inadmissible for 88 days, being the number in excess of the regulated period of 61 days for which staff pay and allowances are granted during absence from staff duties."

Was not that to withdraw his staff-pay and allowances during the period which my right hon. Friend has said our sympathies with the invalid Commander-in-Chief would lead us to wish them to be continued? The letter went on—

"For the year ending 31st March, 1873, during which it is now shown that your Lordship was absent for 153 days—in addition to 10 days on military duty in England—namely, 71 days on Parliamentary duty, 75 days on account of ill-health, and 7 days on ordinary absence on private affairs. Staff-pay and allowances would appear to be inadmissible for 92 days, being the number in excess of the regulated period of 61 days, for which staff-pay and allowances are granted during absence from staff duties."

A question of principle has been raised on this. A military officer of high rank and antecedents—of high honour and trust, or he would not be appointed—goes to Ireland to command the Army there. He makes his financial arrangements, which are necessarily expensive; and what is the basis on which he makes them? He is to have a salary and so much per annum, upon which he supposes he may rely; but it appears that a sum of £3 15s. 10d. a-day may be cut off at any moment. There are accounts kept of where he is and what he receives, and he appears to have been watched as suspiciously as if he were a clerk who was shirking his duty. Every one of his movements was chronicled as accurately as if he were a returned ticket-of-leave man. Now, was that the position in which a General who was Commanding-in-Chief in Ireland ought to be placed? Take the special case of Lord Sandhurst as an individual. He earned distinction in the Crimea. He was for 12 years in high commands in India. When he returned to this country he became the adviser of the Secretary of State for War in the most important political change ever made in the constitution of the Army. Political and professional

honours were heaped upon him, and he was finally sent to Ireland in a position of great honour and trust. And what is the matter in dispute? The whole question is about the construction of a Royal Warrant. Lord Sandhurst put one construction on the Warrant regarding leave of absence, and the War Office another. Lord Sandhurst maintained that he was right, and the War Office said he was wrong. The Secretary of State did not refer to one witness whose evidence might be adduced. The head clerk of a department, who had been 37 years in the War Office, stated that Lord Sandhurst's views were in accordance with the practice which had existed ever since he came to that office.

MR. GATHORNE HARDY: He was not a clerk in the War Office, but in the Pay Office, Dublin.

MR. HORSMAN: Well, he had been for 37 years in the Service. The question was one of pay and allowances during absence, and he supported the view taken by Lord Sandhurst. In this case there was might on one side and right on the other. Lord Sandhurst complained, but he succumbed, because there were on one side law and the technicalities of law, and equity and common sense on the side of Lord Sandhurst. Every military officer would be guided by the judgment of equity and common sense in preference to the quibbles of law. Well, Lord Sandhurst did not pay when called upon to do so. He resisted, remonstrated, and gave his reasons. He said—"I ought to have been informed that such a change was applicable to me. I claim the protection of the Secretary of State." And what said the Secretary of State? He stated that he had no power to concede at his own discretion pay and allowances which were not included in the Royal Warrant. Lord Sandhurst replied—

"I had always understood that it lay in the power of the Secretary of State, as a Ministerial officer, to interpret the Warrant according to equity, and not according to the mere letter. It appears, however, that the latitude formerly exercised was now denied to the Secretary of State."

That shows that the whole question at issue was the construction of a Warrant, and did not imply any concealment on the part of Lord Sandhurst. Well, Lord Sandhurst paid the money, and I can well understand the reluctance and humiliation

with which the military authorities must have signed the Order for the repayment of that money. The Field Marshal Commanding-in-Chief must have known that there was no precedent for withdrawing the pay and allowances from a general officer in the position of Lord Sandhurst when he was absent from health. Still more, he must have known that there was no precedent for compelling the re-payment of the money when there was no imputation upon the honour of the recipient. The money was paid, and so far there was an end of the matter. But there was this anomaly—that, according to this interpretation, there was no Commander-in-Chief in Ireland, and no one entitled to receive the money payable to him. Lord Sandhurst was still discharging, by correspondence, many of the duties of Commander-in-Chief in Ireland, and was still responsible, and yet he was drawing no salary. His salary was, in fact, forfeited to the State, and went into the Imperial Exchequer. Lord Sandhurst appealed to the Secretary of State for protection. Protection for what? Not for his pocket or his person—it is not through the purse that you wound the feelings of a soldier—but his honour. He appeals for protection for his honour; for protection to the honour of the Army to prevent its being tarnished in his hands. But he appealed in vain—the Secretary of State was inexorable. He was a Member of an economical Government, of a Government which strongly sympathized with the Peace Society, and which, no doubt, intended that any money repaid should go towards decreasing the Estimates, swelling the surplus. He thought probably that with the re-payment of the money all the consequences to Lord Sandhurst were at an end. But the military authorities must have known better. They must have known that to Lord Sandhurst it was not a question of money. I think that the compulsion on Lord Sandhurst to refund this money was the shabbiest, the dirtiest proceeding ever committed by any public department. But the military authorities—men brought up in the Army—must have known that the re-payment of the money carried consequences with it. It enabled those who were not friends of the Army to say that Lord Sandhurst would not have repaid the money if

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had not known that he had wrongly received it, and that it had been fraudulently and dishonestly acquired. It was an impeachment on his honour which must have flushed the cheek of every military man who takes pride in his profession. It is not a mere question of pounds, shillings, and pence. It is for these reasons that I feel that Lord Sandhurst has been very ill-used man. He has not, however, been hardly used by my hon. friend the Member for Glasgow (Mr. Anderson), who has ably discharged, with good feeling and perfect taste, a very invidious and painful duty. He has been ill-used by those who had not the courage to face the House of Commons—by those who, though they know that an attack was made against an officer whose honour was unimpeachable, have, either through weakness or timidity, behaved in a manner for which they will receive neither the thanks of the country nor the respect and confidence of the Army.

Mr. J. R. YORKE observed that the charge made by the hon. Member for Glasgow (Mr. Anderson) affected not only Lord Sandhurst, but also the late Government, and those who had permitted what he had complained of. He trusted that the House would permit him to bring under their attention a few facts in defence of Lord Sandhurst, which had not been referred to in the course of the debate. Lord Sandhurst's reply to the charge, that no Return of his showed any absence beyond the usual time for which pay and allowances would be drawn, was that on taking the command in Ireland he had ordered that deviation from the practice which had up to that time obtained should be made, and that he gave no orders whatever upon this particular point. He had himself made inquiry into the practice under Lord Strathnairn, Lord Sandhurst's predecessor. The hon. Member was proceeding to compare the Returns furnished during successive years while Lord Strathnairn was in command with the noble Lord's absences from duty during the same period, when—

Mr. GATHORNE HARDY rose to order. The hon. Gentleman was referring to matters not before the House, and was, moreover, quoting figures which other Returns in the possession of the War Office showed to be erroneous.

Mr. J. R. YORKE said, he would not continue the subject further. He would content himself with appealing to the hon. Gentleman, who had no doubt brought this question forward solely from a sense of public duty, to withdraw the Motion, and to acknowledge that he had been misled. It was evident that the feeling of the House was whether the money refunded by Lord Sandhurst ought not to be repaid him, rather than whether Lord Sandhurst himself had improperly obtained it in the first instance.

Mr. CAMPBELL - BANNERMAN trusted that the House would permit him to make a few observations in answer to the very forcible attack made by the right hon. Gentleman the Member for Liskeard (Mr. Horsman) upon the late War Administration, on whose behalf he might claim to speak, inasmuch as he was principally responsible, being at the period when this occurred at the head of its financial branch. The right hon. Gentleman had represented the whole proceeding as the mean act of a parsimonious Government, whose sole object was to swell the balance at the disposal of the Chancellor of the Exchequer. The House might, however, as well be informed that if that was the object of the Secretary of State for War, that consideration must have equally weighed with the Commander-in-Chief and the Adjutant General of the Forces, for not a letter was written or a step taken in this matter without the entire concurrence of those gallant and distinguished officers, who probably had the interests of the service quite as much at heart as had the right hon. Gentleman the Member for Liskeard. Lest the right hon. Gentleman should feel alarmed at the prospect of money being saved to the country by this transaction, he might add that the money being thus undisposed of—having been voted for the General commanding the Forces in Ireland, and not spent upon Lord Sandhurst—the War Office had paid to Major General Newton and Sir Thomas Steele, who successively commanded the Dublin District, the difference between the pay of a Major General and that of a Lieutenant General, for the days on which Lord Sandhurst's pay had been retrenched, they having discharged the higher duties in his absence. He was glad that the hon. Member for

Glasgow (Mr. Anderson) had repudiated any idea of imputing fraudulent motives to Lord Sandhurst. The view that had been taken of the matter by the late Secretary of State for War agreed precisely with that expressed by his right hon. Successor, and the unanimous opinion of all whose opinion it had been proper to take was that Lord Sandhurst had a mistaken and exaggerated notion of the rights and privileges belonging to his high office, but that there had been no *mala fides* whatever in his conduct. Everything had been perfectly open and above-board, and if any proof of this were wanted it would be amply found in the fact that he had sent signatures to be gummed on to the papers in question, and this he would not have done if he had been anxious to hide the fact of his absence. The hon. Member for Glasgow had said that the irregularity would not have been noticed but for the fact that he put a Question on the subject in the House; but the circumstance of the signatures being gummed on would have at once brought it, and did, as a fact, bring it, to the notice of those at the War Office whose duty it was to check such Returns, and this led to a disclosure of the whole of the proceedings. The right hon. Member for Liskeard had alluded to the fact that Lord Sandhurst had spent a portion of his time in London in assisting in the deliberations connected with the passing of the Army Bill. It was quite true that Lord Sandhurst had been summoned to the War Office on that account, and there were few men who in such a matter had a better right to be summoned. He was an officer of great distinction, and had an experience of the Army in India such as few soldiers possessed. It had, therefore, been thought, both by the Duke of Cambridge and by Mr. Cardwell, that his advice and assistance would be most valuable, and so it proved to be. For that period—he being on duty under orders from headquarters—his pay had been allowed. But when the right hon. Gentleman went on to say that assistance had been continued in Parliament, and that Lord Sandhurst had been sent to the House of Peers as the only man who would support the Bill—thereby implying that he delivered speeches there in favour of the measure, which were very much made to the order of the War Office—the right hon. Gentleman seemed to forget that the general im-

pression at the time was that Lord Sandhurst was not entirely in favour of the military policy of the late Government. Now the duty of the Secretary of State in the question had been perfectly plain. I was much to be regretted that the Correspondence had not been printed, because it would have enabled hon. Members to judge better of the argument which had been used on both sides. The truth was—and it had been brought on already by a quotation from one of the letters—that the Secretary of State for War had no power to go beyond the limits of the Royal Warrant. The right hon. Gentleman (Mr. Horsman) said he thought that the War Office “should be guided by common sense and equity”—meaning, of course, the most lavish liberality, giving to everyone what he chose to ask,—“instead of quibbles and legal technicalities”—meaning that the Warrant which governed the payment of all the officers and men of the British Army should be set aside.

MR. HORSMAN: When I said “common sense and equity” I was alluding to the opinion of a clerk who had been in the Office 37 years; and he said that that had been the practice ever since he had been there.

MR. CAMPBELL - BANNERMAN understood, therefore, the argument of the right hon. Gentleman to be that it was not the Secretary of State, but a clerk in the Pay Office at Dublin, who was to interpret the Royal Warrant. There was a passage in the Royal Warrant which stated as plainly as possible that Staff Pay was solely a remuneration for services locally rendered. That applied to every officer in the service, from the highest to the lowest; and Lord Sandhurst's argument, which was perfectly untenable, was that his office was so high that it raised him above the law. The same course would be taken with the youngest officer in the service as had been taken with Lord Sandhurst, and the hon. Member for Glasgow was wrong in implying that this was a case in which the big fish got out of the net, while the small fish were caught. When any Return sent in by an officer was found to be inaccurate, the officer was called upon to correct it, and if he had claimed too much, and the money had been paid to him, he was called upon to refund it. The case occurred every day.

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and no further step was taken against the officer unless there was reason to believe that his conduct had arisen from some evil motive. If there had been a mere misapprehension, or mere misinterpretation of the Royal Warrant, there would certainly be no further step taken. That was precisely what had happened in the case of Lord Sandhurst. With regard to Lord Strathnairn—who had been mentioned by the hon. Member for East Gloucester (Mr. J. R. Yorke)—it had been ascertained from him that he had never during the time he was in Ireland acted on the principle adopted by Lord Sandhurst. It was true, as had been said, that Lord Sandhurst, during a part of the period of his absence, had been in attendance in Parliament as a Member of the House of Peers, and that military officers who were Members of Parliament were always allowed leave from their military duties in order that they might discharge their Parliamentary functions. But to continue under these circumstances pay and allowances that were intended exclusively for local services was quite another matter. There was no precedent for doing that, and therefore the plea on the ground of attendance on Parliament fell to the ground. Believing that Lord Sandhurst's conduct had been altogether innocent and honest, he hoped the House would not accede to the Motion of the hon. Member for Glasgow.

MR. ANDERSON said, that he thought he had performed his duty—which was a very disagreeable one—sufficiently by bringing this matter before the House, and that it would not be well to divide the House upon the Motion. He would, therefore, with the leave of the House, withdraw it. [“No, no!”]

Question put, and negatived.

CUSTOMS AND INLAND REVENUE

BILL.—[BILL 88.]

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed.
“That the Bill be now read the third time.”—(*Mr. Chancellor of the Exchequer.*)

MR. ROEBUCK moved, as an Amendment, that the Bill be re-committed with the view of introducing into it Amendments for the purpose of relaxing the

conditions which it imposed on brewers in respect of the collection of the licence duty, and which they said hampered them in the process of manufacture to a more serious extent than was the case in any other trade. He had no wish, he said, in making the Motion to embarrass the Government by stopping the progress of the Bill, and he should be satisfied if the Chancellor of the Exchequer would hold out some hope that he would propose a relaxation of the regulations to which he referred.

Amendment proposed, to leave out from the words “Bill be” to the end of the Question, in order to add the word “re-committed,”—(*Mr. Roebuck.*)—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

THE CHANCELLOR OF THE EXCHEQUER said, he had no wish whatever to complain of the course which the hon. and learned Gentleman had taken; at the same time, if it were carried out, it would place the Government at this moment in a somewhat embarrassing position. If the Bill were re-committed they would then have to go into the restrictions which were contained in the Bill as it stood. He did not understand that the hon. and learned Gentleman proposed to repeal the brewers' licence duty, but to take off some of the regulations and restrictions which, according to his view, were imposed for the purpose of enforcing that duty. But these regulations were not imposed for that purpose; and even if the licence duty were out of the question, most, if not the whole, of these restrictions would have to be enforced and continued. The object of the hon. and learned Gentleman was not, as he understood it, to embarrass the proceedings of the House at this stage of the Bill, but rather to call attention to the matter, and to obtain some information upon it. The objections of the hon. and learned Gentleman seemed to be two-fold. He objected, first, that the licence duty was a tax of a peculiar character, that it fell upon the brewing interest in a manner in which no other interest was taxed, and that therefore it was not fair, and ought to be taken off. His next objection was that the tax was not only peculiar, but that it was quite dissimilar to that borne

by any other manufacturer, and that it was of a singularly vexatious character, inasmuch as it imposed restrictions which hampered the trade. With regard to the first of these objections, he (the Chancellor of the Exchequer) freely admitted that the tax was undoubtedly one of a somewhat peculiar character. At the same time, he did not think it was quite fair to compare it with a tax which might possibly be imagined as being placed upon other classes of manufactures. For instance, they could not tax a cotton manufacturer in the same way. They did not tax the product calico, but they did tax the product beer. Something must be taxed, and so long as that were the case there must be exceptions. In former times they taxed not the beer itself, but the ingredients of the beer, by the malt tax and the hop duty. Subsequently the hop duty was removed, and the brewers' licence was—he would not say imposed, because there was a brewers' licence before—but altered and increased, and put on a different footing. There was, no doubt, something to be said on the side of the brewers with respect to the additional burden imposed upon them at that period, though he did not think their case was so strong as they seemed to think. It might be argued that, as the revenue was more prosperous now than it was in 1862, the duty ought now to be repealed at the expense of the revenue. In his Budget speech he said he considered the brewers had some ground of complaint. But he would not enter into any of the differences of opinion which prevailed upon the question on this occasion. He was quite ready to consider the matter over again at any time if it were desired, and that without prejudice to any parties, but this was not a convenient or proper time for doing it. The hon. and learned Gentleman's second point was that the regulations which were occasioned by the necessity of collecting this duty were annoying to the brewers. He (the Chancellor of the Exchequer) did not deny that the brewers were subject, as all persons who were carrying on any trade affected by the Excise must be, to regulations and restrictions which were annoying. That could not be helped. The main object of the regulations, however, was not to protect the brewers' licence duty, but the malt duty. The aim was to prevent

fraud, and to secure an equivalent duty on the large quantity of sugar used in brewing, which but for these regulations could not be ascertained. The sugar disappeared entirely in the process of manufacture, and as it might be possible for a large quantity to be used without detection, it was necessary that the Excise officers should have the power at all times of making inspection. In the case of malt, the quantity could be ascertained by the amount of the grain. Another object of the regulations was to prevent the use of adulterating substances. When, a short time ago, deputation of brewers waited upon him upon the subject, he asked them whether they could suggest any improvement in the mode of carrying on the business, and they did not seem prepared with reply, but they objected to the hardship of being responsible for what might be accidental carelessness on the part of their servants. There was no desire whatever to press unfairly or severely upon the brewing trade, but merely to protect the revenue. He hoped the hon. and learned Gentleman would be satisfied with having called attention to the subject. It would be a difficult position to be placed in if, at the last stage of the Budget arrangements, the House were suddenly thrown back and obliged to revise the whole of their proceedings, and it would be impossible to take off these restrictions or regulations unless they entirely recast the whole of their financial measures.

MR. M. T. BASS remarked that when the right hon. Member for Greenwich (Mr. Gladstone), in 1862, proposed the brewers' licence duty as a substitute for the hop duty, that right hon. Gentleman repeatedly declared that it would be most unjust were the public brewers to be subject to that impost while the private brewers were exempt. That injustice, however, now existed, and had been in no way redressed. So far from the brewers being compensated by a reduction in the price of hops, as the right hon. Member for Greenwich anticipated that they would, they had actually paid more than an addition of 20 per cent on the price of hops since the licence duty was imposed. The duty on wine was reduced from 5s. 6d. to 1s., yet the right hon. Gentleman did not increase the duty on wine licences. There had been a reduction in the duty on brandy,

The Chancellor of the Exchequer

the licence duty was unaltered. On the suggestion that the brewers should recoup themselves from their customers, it was practically impossible. Could they divide 3d. among 36 lbs? That tax was a gross injustice inflicted on a particular trade on account of the prejudice entertained against those who pursued it. He (Mr.) had conversed with many Members of Parliament on the subject, and were of opinion that the imposition of only £500,000 a-year upon brewers was a most unjust tax. He had paid £750 every day for malt duty, yet the right hon. Gentleman, not satisfied that, imposed a tax upon every gallon of beer, which now subjected him to an imposition of £14,000 a-year. When the right hon. Gentleman was freed from the rammels which in some measure limited him to the acts of his Predecessors, he would see that his high office required him to remedy that abuse.

MR. ENSLOW said, that having taken an interest in this matter, he would offer a few remarks. In his opinion beer was a necessary of life to the Englishman, and it seemed to him that the Government might just as well send the Exciseman into the brewer's shop to demand what number of kegs, sheep, &c., he killed; or into the baker's shop, to ascertain what number of loaves he put into his oven, as to send the cellars of the dealers in beer to ascertain what quantity of that necessary article they were supplied with. At the same time, it would be utterly impossible for the Government now to introduce a fresh Budget. The Chancellor of the Exchequer, he was sure, took an interest in that subject; and if, even this financial year and the beginning of the next another deputation were sent upon him, no doubt the right Gentleman would give the matter consideration which the importance of the subject demanded. He hoped the hon. and learned Gentleman (Mr.) would not, at the present time, bring his Motion to a division.

MR. EDWARD WATKIN said, he trusted the hon. and learned Gentleman, the Member for Sheffield would not withdraw his Motion, unless he obtained an explicit promise from the right hon. Gentleman the Chancellor of the Exchequer that he would render justice in

this matter. He objected to exacting a licence duty from anyone carrying on a lawful trade. Were the Government, or were they not, in favour of taxing a man's right to earn his living? If the manufacture of beer was not necessary, why let it be put down; but, if necessary, why should the beer manufacturer have to pay for the right of manufacture, when no other manufacturer was taxed by licence? He hoped the hon. and learned Member would persist in his Motion.

MR. ROEBUCK felt that it would be better for the interests of the brewing trade that he should not at present go to a division; and he accepted the Chancellor of the Exchequer's explanation as a good omen for the future.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

VALUATION OF PROPERTY BILL.

(*Mr. Sclater-Booth, Mr. Clare Read.*)

[BILL 98.] SECOND READING.

Order for Second Reading read.

MR. SCLATER-BOOTH, in moving that the Bill be now read a second time, said, that its name was erroneously given in the Orders of the Day, and that its proper title should be the Rating (Liability and Value) Bill. The Chancellor of the Exchequer, when he introduced the Budget, informed the House that it was the intention of the Government to bring in a Bill which would provide for the rating of three classes of property. Neither on the part of the Government nor on his own part did he put forward any claim to originality in this measure. Three of its main proposals were included in the Bill of last year, which formed such an important feature in their discussions; and they embraced the three most urgent points which remained to be dealt with in connection with the law of rating. He hoped he might assume that in no part of the House would objection be taken to the principle on which they proposed to proceed—namely, that those three classes of property ought no longer to be exempt from rating. The first of those three classes was woods. According to the statute of Elizabeth, underwoods were now subject to rating. It was proposed by the present Bill to repeal that liability under the statute of

Elizabeth, and to enact, not that the woods themselves, but that all land occupied by plantations and woods of various descriptions should be subject to rates. In the existing state of the law, the fact that underwood was rated was supposed to imply that woods of other descriptions were not to be rated. It might be questioned whether it was more expedient to lay down in the Bill detailed provisions under which the rating of woodland should be effected, or whether it would be better to leave the matter in the hands of the assessment committees throughout the country, which had shown themselves capable of dealing with difficult and complicated questions of rating. He did not say that no objection had been raised to the action of those committees; but they had acquired considerable experience and authority in the discharge of their functions. The right hon. Gentleman opposite (Mr. Stansfeld), therefore, in introducing his Bill last year, thought it enough simply to provide for the rating of these properties; but the House took a different view, and, after much discussion, provisions were adopted with regard to the mode in which they should be rated. The provisions of the present measure were substantially the same as those inserted by the House itself last year, but somewhat improved, he hoped, in their form. It was proposed that—

"If the land was used only for a plantation or a wood, the value should be estimated as if the land instead of being a plantation or wood were let and occupied in its natural and unimproved state."

There was a provision that underwoods should be rated as woods were under the statute of Elizabeth. The 5th clause provided that the rates levied upon the occupiers of woodlands should be repaid by the owner. The second object of the Bill was to render the right of sporting, when separated from the land, rateable. This was a vexed question, and probably many hon. Members would be of opinion that such rights were of too vague a character for their rateable value to be ascertained, but, in his opinion, that value could be easily ascertained by the assessment committee; and, although it involved but a small amount of money, the question was one which it was far too late to go back upon after all that had been said upon both sides of the House with regard to it. The sub-section

of this clause provided for the exceptionally rare case where the owner possessed the right of free warren. He then came to by far the most important subject dealt with by this measure—that of the rating of metallic mines. Hon. Members were aware that, coal mines alone being referred to in the statute of Elizabeth, it had been held that all other mines were exempt from rates; but it had also been decided that where dues and royalties were reserved in kind they were subject to rates. The clause at the end of the Bill left the dues and royalties liable to be rated as at present, their rateable value being assessed by the assessment committee. These were all the provisions of the Bill, and it would really be a pity if, during this Session of Parliament, when the House was not overwhelmed with legislative business, as in recent Sessions, it should not pass this measure, and so settle a question which had been for so long a matter of controversy, now that all parties were agreed respecting it. Since 1857 as many as four Bills had been introduced into that House with regard to the rating of mines, and if they were rendered liable to assessment on a fair basis would be a substantial boon to many parishes, in which the most valuable description of property had hitherto been exempted from rates. Under the provisions of the measure all metallic mines or mines other than coal mines, were made subject to rates. With regard to lead, tin, and copper mines, however they had not, as an experienced authority on the subject had laid down, the same rateable value, owing to the great risk and uncertainty in working them. It was accordingly agreed by the Government of last year to insert two clauses in their Bill relating to the rating of tin and copper mines, and the same clauses would be found in the present Bill. As a general rule, metallic mines were to be assessed by the assessment committee, and he had received an assurance from many hon. Members who were interested in this class of property that this would be a satisfactory mode of settling the question. He had been informed that the difficulties that formerly prevailed with respect to the rating of coal mines had been satisfactorily overcome, and therefore there could be no doubt that the local value of metallic mines could be ascertained with equal ease. There

Mr. Solater-Booth

a provision in the Bill that where
e were held upon leases the owners
ld repay the occupiers the sums they
for rates until the expiration of the
a. The rating of Government prop-
r was not dealt with, because his
; hon. Friend the Chancellor of the
sequer would deal with that ques-

It had been proposed last year to
sh the exemption from rates now
red by scientific and literary insti-
ns; but that exemption had been
e so recently that he did not propose
such the question in this Bill. The
l exemption related to certain muni-
l property held by corporations; but
thought that that was a question
h might very fairly be dealt with by
mendment of the Poor Law, and he
d to be able to introduce another
which would settle that matter. The
night, perhaps, be criticized because
alt with a small portion only of a
subject. He could only say that
Government had proposed to deal
the entire subject of rating in a
rehensive scheme they could not
given effect to their proposal during
resent Session. The greater ques-
would, however, if the present Bill
ne law, be cleared of some of its
lications, so far as the rating of
s, woods, and game was concerned,
therefore, although in itself an
standing measure, he hoped it
l receive the sanction of the House.

tion made, and Question proposed,
at the Bill be now read a second
"—(*Mr. Selater-Booth.*)

.. STANSFELD, in supporting the
d reading of the Bill, acknowledged
air and even handsome manner in
his right hon. Friend had referred
e measure which he (Mr. Stansfeld)
on the part of the late Government,
luced last year. That Bill had
gone much discussion, and had
amended in accordance with valu-
practical suggestions which were
during the consideration of its
sions. His right hon. Friend was,
fore, perfectly justified in adopting
rinciples upon which mines, plan-
as, and game rights should be rated
hich the late House of Commons
approved, and which, for the most
had emanated from the House

Then, with respect to the rate-
y of Government property, he had

called for a statement or scheme from
the Treasury as to the property which
they considered rateable, and proposed
to leave the subject to be dealt with by
the House in the form of a Confirming
Bill. The present Bill embodied most
of the Amendments made in Committee
in last year's Bill; but as to the rating
of Government property, it proposed a
simpler method, and he should be glad
if that plan gave equal satisfaction.
The clause respecting the exemption of
certain corporate property was omitted;
but these cases were not numerous, and
his right hon. Friend hoped to intro-
duce it in another measure. The Bill
differed also from last year's in not
making permanent the exemption of
stock-in-trade from rating, which was
now done by an annual Act, and which
property he was sure would never again
be rated. The repeal of the exemption
enjoyed by literary and scientific institu-
tions had also been omitted, though that
clause was supported by his right hon.
Friend and many Members of the pre-
sent Government, and opposed by only
two of them. He might deem it right
in Committee to move the insertion of
the clause. Any faults which the Bill
might have were faults of omission, and,
introduced as it was under more favour-
able auspices than his own measure, he
wished it success. So far as he was
concerned it should have his support.

COLONEL BARTELOT congratulated
his right hon. Friend the Member for
Halifax (Mr. Stansfeld) on seeing his
pet project re-introduced this year, shorn,
no doubt, of some of those clauses which
he and others might think ought in
Committee to be re-inserted in the Bill.
His right hon. Friend said last year that
it was only "the fringe" of a great
question he proposed to deal with, and
the Opposition naturally desired to be
allowed to see the whole garment. But
they were now on a different side of the
House from what they were then, and
yet his right hon. Friend (Mr. Selater-
Booth) had nothing better to produce
than the *réchauffé* measure of the right
hon. Gentleman opposite. The Bill of
last year went to "another place,"
where it was summarily rejected, and
it must be supposed for good reasons.
He presumed the present Bill, if it went
out of this House, would receive different
treatment. A strong Government, such
as they now had, might have been ex-

pected to deal with the question in a more complete manner. Then, as to woods and woodlands, where the owner was not entitled to cut the timber, he ought to be allowed to cut down sufficient to pay all the rates and taxes. With regard to shooting, one principle ought to be kept in view—namely, that that only should be paid for which was worth something. There was a vast amount of shooting in this country which was worth absolutely nothing. He trusted that when the Bill was in Committee the Amendments which might be placed on the Paper would receive the careful consideration of the Government.

MR. SCOURFIELD said, he would have been better satisfied if the Preamble had contained a statement that Government property was to be rated. He was glad to see that stock-in-trade was not to be perpetually exempted from rating, because it was a dangerous thing to stereotype exemptions. As far as it went, however, the present Bill was an improvement upon that of last year. For his own part, he would have preferred a more comprehensive measure, and he did not see any reason for pressing the Bill forward at the present time.

MR. CARPENTER-GARNIER said, he was glad the Bill had been brought forward this Session, for among his constituents frequent complaints were made in reference to the exemption of mines. There was a general opinion in the West of England that if mines were rated the rates should be paid on the royalty. In his own neighbourhood in Devonshire, an important copper mine, called the "Devon Great Consols Mining Company," had been rated on that principle for the last 30 years, owing to the fact that a stipulation had been inserted in the lease under which the mine was held, that the lessees of the mine should pay all rates and taxes except the Landlords Property Tax: in consequence of this stipulation, nearly £1,000 a-year had been contributed to the rates of the parish of Tavistock for many years by the lessees of this mine. Last year the hon. Baronet the Member for West Cornwall (Sir John St. Aubyn) clearly pointed out the difference between tin and copper mines and other mines; and he was glad to perceive that the resolution of last Session was embodied in the Bill.

Colonel Barttelot

MR. BEACH said, that the Bill proposed to rate woods and plantations in a very objectionable manner. They were to be rated as if the land were let and occupied in its natural and unimproved state. This was, in his opinion, unsatisfactory, as the term was vague and unmeaning. He thought it ought to be rated on the value which might naturally be expected to be realized therefrom. That was the principle which the Parochial Assessment Act laid down with regard to rating, and it was applied by this Bill to mines, and he did not see why it should not be applied to woods also. He thought the Bill dealt, in some respects, satisfactorily with the right of shooting, where there was any value received for shooting, it ought to be rated. The Bill had one advantage over the one introduced last year, for some substantial relief in aid of local taxation had been actually granted. He hoped that was only a prelude to a further grant, which in common fairness, was required in the interest of town and country.

MR. HENLEY said, he thought the Bill as it now stood a very imperfect one, especially as regarded game. He assumed that game increased the value of every acre of land in the country. He believed a more erroneous opinion than that could not be formed. A large proportion of the land in this country could not under any circumstances acquire any increased value for the purpose of game. Therefore, he thought the proposed mode of assessing land with reference to game would require some consideration. Then, again, it was taken for granted that nothing could be done in the way of assessing personal property. That might be so; but as the Bill proposed to deal with woods, he should like to know how 100 trees standing in a wood could be assessed or valued. It was proposed to assess them on the value of the adjacent land, but that was not a just principle. In his own county, for example, there was a great deal of woods on the hills; but the valleys, which were highly cultivated, were of far greater value, and it would not be just to rate the woods on the value of the adjoining valleys.

MR. SCLATER-BOOTH said, the Bill did not propose that woodland should be assessed on that principle. Lands on which timber grew would be rated on their unimproved state.

Mr. HENLEY said, that was a very lined distinction. He thought any reading the Bill would be very much lined to suppose that woodlands were to be rated according to the value of adjoining lands. The question of dealing with woods, and assessing them fairly and properly, was one of great difficulty, and should be more carefully considered than it appeared to have been in this Bill.

Mr. GEORGE JENKINSON objected to the Bill as extending the present area of local taxation to a class of property which was already over-taxed, while it made no attempt to bring in personal property which was exempt. He thought it would be better to leave out plantations, woods, and game until the whole question of local taxation had been considered in a comprehensive Bill next year. It was to be regretted that the Prime Minister, after having made such strong expressions with regard to rating, should have done so in the desired direction. The late Government, he believed, was prepared to have gone further than the present Government proposed to do in affording relief to local ratepayers.

Mr. CLARE READ said, he hoped the question of rating and the larger question of local taxation would not become subjects of party discussion in this House. Government had been taunted with having adopted, in a great measure,

the Bill brought forward last year by their Predecessors; but as many provisions of that Bill had been derived from measures introduced in earlier Sessions by himself and other Conservative Members, it could not be said to have belonged to one side more than another. A great objection to the Bill of last year had been that it was not just to extend the rating to exempted parts of property until real property had received some little relief, and he hoped that the provisions of the Budget were intended to disarm some of the opposition that had been raised on that ground. It was not the case that the House of Lords had rejected the former Bill, because it was not thought "fit to live." They rejected it because it stood in need of certain Amendments which they had not time, and perhaps not the power, to make. It had been said, in the course of the present discussion, that it would be impossible to rate trees growing in a

wood. That was quite true, and all that it was proposed to do was to find out what the land would be reasonably worth to let for from year to year. It had, moreover, been said, that it would be unjust to rate woodlands as one would rate land on the exterior of a wood, the value of which was greatly enhanced by reason of the houses, roads, and other improvements made upon it. An endeavour was made to avoid this error by using the words "natural and unimproved value," which occurred in the Scotch Act. With regard to game, where the right of shooting was of no appreciable value, it would not be assessed. It had been urged against the Bill that it was very incomplete in not dealing with the rating of Government property and with the general relief of local taxation. These were matters which were too large to be dealt with in a measure of this kind, which, in his opinion, most satisfactorily settled the exemption of real property, and was therefore deserving the support of both sides of the House, which it had already received.

Mr. BRISTOWE desired, as a Member of the late Parliament who took an active interest in the passing of the measure of last year, to express his satisfaction that the President of the Local Government Board had brought in a measure framed on the Bill which passed the House of Commons during the last Session, though it failed to pass the House of Lords. That Bill, he believed, embodied the feeling of the last House of Commons, which dealt with the subject on both sides in no party spirit. He hoped, however, that as regarded museums, literary institutions, and property of that sort, the Government would be prepared to make some alterations when the House came to consider the Bill in Committee.

SIR EDWARD WATKIN said, the House ought to be distinctly informed whether it was intended to rate stock-in-trade, in favour of which he understood the Under Secretary to express himself. He also hoped that in Committee the Government would consider the case of poor clergymen living on tithes. They were rated to the poor on the whole gross amount of their tithes, from which they had often to make large deductions to pay their curates, without any allowance being made in the rating for such deductions; in fact, they were

SIR HENRY SELWIN-IBBETSON said, he was anxious that the question should not assume the proportion of one between the counties and boroughs, and he did not think that the county Members had any desire to put their hands into the pockets of the boroughs. He would remind the hon. and learned Member that the sum paid by boroughs in contribution to the county rate, embraced a large area over which that money was spread, and the maintenance of these short time prisoners was but a very small item. He would suggest, as a practical solution of the question, that the boroughs should retain their fees, fines, and penalties, and pay to the counties the actual cost of maintenance for the prisoners they sent into the county gaol. If the boroughs were prepared to accept such a solution, the Government would not oppose the second reading, with the understanding that a clause in Committee would be inserted to that effect.

MR. CHARLEY said, he thought that the proposition was a fair one, and ought to be accepted by the House.

MR. MELLOR contended that the alteration now proposed would operate to the detriment of some boroughs, and that the ratepayers of his borough—Ashton-under-Lyne—would have to pay higher rates.

MR. SERJEANT SIMON accepted the proposition of the hon. Baronet.

Motion agreed to.

Bill read a second time, and committed for Monday 1st June.

JURIES BILL.—[BILL 18.]

(*Mr. Lopes, Mr. Gregory, Mr. Goldney.*)

COMMITTEE. [*Progress 14th May.*]

Bill considered in Committee.

(In the Committee.)

Clause 53 (Verdicts to be unanimous).

MR. YOUNG moved to insert the word "not" after the word "shall," and said he did so in order to raise the question whether juries should be required to give unanimous verdicts in all civil cases, and in case this Amendment should be carried he would subsequently move to add a proviso that—

"An unanimous verdict shall be required in all criminal cases, and in all civil cases the verdict of not less than nine shall be taken as the verdict of the whole, and in trials in a county court the verdict of not less than four shall be so likewise taken, provided that such

verdict of a less number than the whole shall not be taken until the jury shall have been three hours in deliberation."

In ancient times it was not required that verdicts should be unanimous. As one of the public, he took issue with many of his hon. and learned Friends on the allegation that the system of requiring the whole twelve to agree had worked well. There were a great number of cases in which, in consequence of the twelve not agreeing, the parties had to incur the expense of a trial over again—in fact, in endeavouring to compel agreement, they were trying to do that in the jury-box which they could not do anywhere else. His proposal was that if a jury in a civil cause did not agree after three hours' deliberation, the verdict of nine should be taken as the verdict of the whole; but he was not prejudiced in favour of that particular number, and if the Committee thought that the verdict of ten should be required, he would accept that number. There was nothing new to English jurisprudence in thus permitting the opinion of a part to be taken as the verdict of the whole. In a coroner's jury 23 jurymen were summoned, and if twelve agreed, their verdict was the verdict of the jury. That was more like the kind of unanimity which was striven for by our ancestors. So again in grand juries unanimity was not required. Upon this matter, therefore, the law was not in accord with itself. He did not, however, propose to interfere with the present system in relation to criminal trials; but he thought there was no use in striving after a practical impossibility in civil causes.

Amendment proposed, in page 16, line 23, after the word "shall," to insert the word "not."—(*Mr. Young.*)

MR. LOPES regretted that his proposal to limit the number of jurors with the consent of the parties was rejected by the Committee the other night, although his regret was mingled with pleasure at hearing such thoroughly Conservative views expressed by some of his hon. and learned Friends opposite, who wished to retain the number of 12 because it was good and ancient. For himself, he strongly objected to the proposed alteration. It was well known that the Judge had great influence over the jurors—sometimes too much: now the introduction

verdict by a majority would nullify the influence of any firm and independent juror, who might, if unanimity were required, induce his fellow-jurors to give a careful consideration to the case. That principle, moreover, demanded that the case should be carefully considered by every individual juror. It must further be remembered that jurymen were not bound into a verdict now as they were formerly—they were allowed refreshment and ample time for deliberation. In regard to the proposal before the Committee, he did not see why unanimity should be required in criminal cases and not in civil cases. If they introduced that distinction, there would be many anomalies occasioned—in cases of murder, for example, where it was desirable to bring either an action or a verdict.

MORGAN LLOYD reminded the members that in dispensing with unanimity they would be returning to the present system. It was not proposed to do away with the necessity for deliberation on the part of the jury. As it arrived at without unanimity, a verdict could not be received from them till a certain number of jurors had been in consultation—it was for the Committee to fix the number; the lowest number suggested was three, and the highest six. All that was required was to give the jury in deliberation long enough to secure full consideration of the question in issue by every juror. When it happened under the present system that jurymen gave in after a short time without being convinced: in such cases it would be far better that the real feeling and the real opinion of the jury should be known, and in the event of any application for a new trial the fact should be stated, and might be taken into consideration. There was a manifest distinction between civil and criminal cases, and it might be well to require unanimity in the latter by way of an exception in favour of life and liberty.

THE SOLICITOR GENERAL said, he would not concur in the Amendment of the learned Member for Frome (Mr. Lopes). He must remind them that the Committee had already decided, the previous evening, in favour of the present traditional, and constitutional number of 12 instead of any lesser number.

to form the jury, and his opinion was entirely in accord with that decision. The question now was, whether unanimity should be required in the verdict of those 12 or not; and he was certainly in favour of unanimity. It had been said that in requiring unanimity on the part of the jury they were requiring an impossibility; but in point of fact the number of cases in which juries had to be discharged without a verdict was extremely small, amounting, in fact, to only 1½ per cent. He had great respect for the members of the Bench, but on a question of fact he would prefer to have the opinion of the jury rather than of the Judge, who often formed a very strong opinion on the case, and very often a wrong one: yet that opinion would certainly have great weight with a portion of the jury, who probably were the men best able to form an independent opinion. He thought that if they did not hold to unanimity, they would have a great increase in the number of motions for new trials.

MR. WADDY said, he strongly objected both to the reduction of the number of the jury below 12 and to any change in the ancient practice of requiring unanimity. An old-established principle ought not to be disturbed without some cogent reason for the change, and no such reason had been shown for the alteration proposed by the Amendment. Further, he thought that to introduce the practice of taking the verdict of the majority would greatly tend to promote the practice of compromises among themselves. Under the present system the public placed confidence in the verdicts given, but he did not think that would be the case when it was known that the verdict was the verdict of a majority only.

MR. FORSYTH differed entirely from the remarks of the last two speakers. He was, however, willing to admit that the burden of proof rested with those in favour of the change. For his part, he was prepared to contend that unanimity in a jury did not always result in a satisfactory verdict. It was not right that it should be in the power of one foolish man to overpower the collective good sense of 11 right-thinking jurors, and it was absurd to think that the finding of nine men out of 12 would not give satisfaction. He wished to ask the Committee whether, if such a thing as unanimity of the verdict of juries had

not been found established, any one in the 19th century would have made such a proposition—would not every one have been perfectly satisfied to accept the verdict of the majority? There was no doubt of this—that in their origin jurymen were witnesses and nothing more. What was proposed was merely that nine out of the 12 should agree, but that the verdict of the nine should not be taken as the verdict of the jury until they had been five or six hours in deliberation without having arrived at unanimity. Surely, that would secure a proper degree of consideration.

MR. SERJEANT SIMON said, that in his opinion unanimity of verdict was required in the interests of the suitors. There had occurred an instance within his own experience in which one dissentient juror, after a deliberation of three days, had brought round the other 11 to his view, and in which the verdict then delivered was right. There were cases of frequent occurrence in which not property only, but character, was at stake. Then—as he had known in the course of his professional experience—the only chance, the only hope for a suitor, was in the unbiassed judgment of one or two jurors, who had not come from the locality in which the litigation had arisen. He was, on the whole, therefore, in favour of retaining the present system.

MR. RUSSELL GURNEY said, the arguments in favour of the Amendment were so strong that he could not refuse to give it his support. It was his opinion that under the present system, in civil trials, a great many verdicts were returned in which there was no real unanimity, and in which was a great straining of the conscience of jurors in order to avoid the inconvenience which would result from their being locked up for a long time. He knew of an instance in which, when the usher of the Court was asked how he had got the jury to agree to a verdict so quickly, the reply was that he had a very efficacious plan in such cases, which was to take a beef-steak and onions to the keyhole of the room in which they were and let the steam go through. They were then sure to come to an agreement in a few minutes. It was said that the Judges were all in favour of unanimity. But it seemed to be forgotten that there had been Judges who were of a different opinion. There

was a Commission not long ago, of which, among other distinguished men, Baron Alderson, and one whose name he could never mention without reverence, Mr. Justice Patteson, were members, and they recommended that after certain time, if three-fourths of the jury agreed, a verdict should be recorded. That he held to be the most reasonable course.

MR. STAVELEY HILL maintained the principle of unanimity both in civil and in criminal cases, and reminded his right hon. Friend who had last spoken that one of the alternatives recommended by the Commission to which he had referred was, that if after a certain time the jury did not agree they should be discharged.

SIR EARDLEY WILMOT said, his experience was that the public of the country were perfectly satisfied with the law as it stood, and that any alteration in the direction proposed would create in the public mind not only dissatisfaction but even distrust in the administration of justice.

MR. STORER expressed his belief that if the country were polled on this question, it would be found in favour of retaining unanimity.

SIR HENRY JAMES said, that the subject was one of so much importance that the Committee would not grudge the time necessary for its due consideration. He thought that no good reason had been adduced even by so high an authority as the right hon. and learned Recorder of London for altering the law in regard to the unanimity of juries in civil cases. The arguments he had brought forward in favour of that change were speculative rather than practical. No practical evil had been shown to arise from the present system which would justify so grave a departure from it as was now proposed. Let the Committee consider what the effect of this proposal would be. Suppose that out of 12 jurymen who went to the retiring-room to consider their verdict there were nine weak men who said "ay" and three strong men who said "no." Under the present system the three strong men would in all probability be able to prevail by argument against the nine weak ones; but under the proposed new system the nine would simply look at their watches and hold out against time instead of against argument. It would

Mr. Forsyth

become a question not of reason
of time. The learned Recorder
shrank from interfering with
the fact that required juries to be
severe in criminal cases, because
they had their verdicts to be treated
with respect. But if they were to insist
that a pickpocket could not be rightly
sent to prison without the unanimous verdict
of the twelve men being given against him, why
not consider a man's character or his property
sent away from him without the
unanimous finding of a jury? How
can the verdicts of a majority only be
binding with respect in civil cases any
more than in criminal cases? The Com-
mission should be guided in that question
by a consideration of what would be
most beneficial for the administration of

tion put, "That the word 'not' be inserted."

**Committee divided:—Ayes 45;
44: Majority 99.**

A YES.

1. G.	Hughes, W. B.
2. R.	Jones, J.
1. C.	Knatchbull-Hugessen,
2. C.	rt. hon. E.
2. M.	Leith, J. F.
J. P.	Macgregor, D.
T.	Mackintosh, C. F.
E. E.	M'Arthur, A.
F.	Morgan, G. O.
1. J. S.	Perkins, Sir F.
D.	Ramsay, J.
.	Rathbone, W.
E. W.	Ripley, H. W.
2. R.	Robertson, H.
W.	Sanderson, T. K.
J. T. Agg-	Sandford, G. M. W.
R. O.	Smyth, R.
G. B.	Stevenson, J. C.
J. G.	Turnor, E.
rt. hon. R.	Wait, W. K.
T.	Yeaman, J.
Lord F.	

TELLERS.

W.	Lloyd, M.
L. C. H.	Young, A. W.

NOES.

R. V.	Bousfield, Major
S. C.	Bowyer, Sir G.
y, Sir R.	Bristowe, S. B.
hon. J. T.	Bruen, H.
on, Viscount	Bulwer, J. R.
Colonel	Butt, I.
	Cave, rt. hon. S.
hn. Sir M. H.	Cawley, C. E.
	Chadwick, D.
	Charley, W. T.
W.	Cholmeley, Sir H.
hon. R.	Clarke, J. C.
Colonel	

Close, M. C.
Conyngham, Lord F.
Crichton, Viscount
Cross, rt. hon. R. A.
Cust, H. C.
Dalkeith, Earl of
Davies, R.
Dick, F.
Dillwyn, L. L.
Dodsan, rt. hon. J. G.
Douglas, Sir G.
Downing, M^cC.
Dunbar, J.
Dyke, W. H.
Earp, T.
Edmonstone, Admiral
Sir W.
Edwards, H.
Egerton, hon. A. F.
Egerton, hon. W.
Elliot, Admiral
Eslington, Lord
Estcourt, G. B.
Fawcett, H.
Fielden, J.
Fellowes, E.
Fitzwilliam, hon. C.
W. W.
Floyer, J.
Folkestone, Viscount
Walkeston, Viscount
Garnier, J. C.
Goldney, G.
Gore, J. R. O.
Grantham, W.
Hamilton, Lord G.
Hamilton, hon. R. B.
Hardcastle, E.
Hayter, A. D.
Heath, R.
Henley, rt. hon. J. W.
Hill, A. S.
Hodgson, W. N.
Hogg, Sir J. M.
Holford, J. P. G.
Holker, J.
Huddleston, J. W.
Isaac, S.
James, W. H.
James, Sir H.
Jenkins, D. J.
Jenkinson, Sir G. S.
Johnstone, Sir F.
Jolliffe, hon. Captain
Kavanagh, A. MacM.
Kingscote, Colonel
Knowles, T.
Laverton, A.
Lee, Major V.
Legard, Sir C.
Lindsay, Lord
Lloyd, T. E.
Locke, J.
Lopes, Sir M.
Lowther, J.
Lush, Dr.
Mahon, Viscount
Maitland, J.
Majendie, L. A.
Marten, A. G.
Martin, P. W.
Meldon, C. H.
Mellor, T. W.
Mills, Sir C. H.
Montgomerie, R.
Naghten, A. R.
Nevill, C. W.
Neville-Grenville, R.
Nolan, Captain
Northcote, rt. hon. Sir
S. H.
Onslow, D.
O'Shaughnessy, R.
Pell, A.
Peplow, Major
Percey, Earl
Plunket, hon. D. R.
Read, C. S.
Russell, Lord A.
Salt, T.
Scott, M. D.
Selwin - Ibbetson, Sir
H. J.
Shute, General
Sidebottom, T. H.
Simon, Mr. Serjeant
Simonds, W. B.
Smith, F. C.
Smith, W. H.
Somerset, Lord H. R. C.
Spinks, Mr. Serjeant
Stanford, V. F. Benett-
Stanley, hon. F.
Starkey, L. R.
Storer, G.
Talbot, J. G.
Taylor, rt. hn. Colonel
Tennant, R.
Tollemache, W. F.
Tremayne, J.
Trevor, Lord A. E. Hill-
Turner, C.
Vivian, A. P.
Waddy, S. D.
Wallace, Sir R.
Walsh, hon. A.
Watney, J.
Whitelaw, A.
Whitwell, J.
Williams, W.
Wilmot, Sir J. E.
Winn, R.
Wolf, Sir H. D.
Wynn, C. W. W.

TELLERS.
Lopes, H. C.
Pemberton, E. L.

TELLERS.

Lopes, H. C.
Pemberton, E. L.

MR. ANDERSON moved an Amendment that the verdict of "Not proven" be introduced. The verdict had worked well in Scotland. All the Judges of the Court of Session were highly in favour of it, and he had letters in support of it

from the Lord Justice General and the Lord Justice Clerk—the latter a gentleman whose opinion would have great weight in that House.

MR. SERJEANT SIMON rose to a point of Order. He submitted that as the Preamble set forth that the Bill was one "to consolidate and amend the laws relating to jurors and juries," the Amendment of the hon. and learned Member did not come within its scope.

THE CHAIRMAN said, he did not think the Amendment was foreign to a Bill for the amendment of the laws relating to juries.

MR. ANDERSON proceeded to say that the Scotch verdict of "not guilty" gave a more complete acquittal than the corresponding English verdict, which meant no more than "not proven." His object was to raise the status of the "not guilty" verdict, so that it might mean in England as it now meant in Scotland—a clear acquittal. He was aware that in England an erroneous impression prevailed that after the verdict of "not proven" there could be a new trial, but that was not so, the only advantage of that verdict was to give the jury an alternative in cases of great doubt, where they felt they could not conscientiously give a clear acquittal.

Amendment moved, page 16, line 23, after "required" to insert—

"And in all criminal cases a jury may return a verdict of 'not proven,' in which event the prisoner shall at once be discharged."—(Mr. Anderson.)

THE ATTORNEY GENERAL appealed to the hon. and learned Member not to press the Amendment. It did not follow because a principle was applicable to Scotland, and worked well there, that it would be applicable and work well in England. The question was not whether the Scotch Judges, but whether the English Judges approved of the verdict.

SIR GEORGE BOWYER objected to the verdict of "not proven"

MR. ANDERSON said, as the Committee seemed so averse to the change, he would not put it to the trouble of a division. He hoped at some future time a Committee of this House would see the advantages of the verdict of "not proven."

Amendment *negatived*.

Clause *agreed to*.

Mr. Anderson

THE ATTORNEY GENERAL for IRELAND (Dr. BALL) then pointed out that the three previous clauses having been withdrawn and the Committee having decided that a jury should be unanimous, the clause under discussion was unnecessary. It had better therefore, be withdrawn, allowing the question of unanimity to depend on the Common Law.

MR. LOPES concurred in the suggestion.

Clause *negatived*.

Clauses 54 to 61 *agreed to*.

Clause 62 (All jurors to be summoned by the Sheriff only).

MR. GOLDNEY proposed to add to the end of the clause—

"Provided always, that in every trial at a county court the jurors shall be summoned from the parishes within that county court division or district, and that in every borough in and for which a separate court of quarter sessions shall be holden, the jurors shall be summoned from the parishes within the said borough; and that in cases where the court of quarter sessions for any county, riding, or division is held at more than one place in and for such county, riding, or division, the jurors shall be summoned from such parishes as may reasonably be considered within the district in which the said court of quarter sessions is for the time being held, having due regard to a fair and impartial apportionment of the service among the whole number of jurors within that district."

After a short discussion,

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clauses 63 to 70 *agreed to*, with Amendments.

Clause 71 (Fines when to be levied).

MR. GOLDNEY moved, in line 31, after "fined," to insert—

"But in the City of London such fines shall be paid in the same manner as other fines levied in the said City are now payable."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 72 (Notice to jurors fined) *agreed to*.

Committee report Progress; to sit again upon *Monday* 1st June.

BETTING BILL.—[BILL 78.]

Lords' Amendments *considered*.

MR. ANDERSON said: The Lords have only made one Amendment, the nature of it being to change the date

its coming into operation from May, 1875, to the 31st July, 1874. I understand the Government approve of the Amendment, and so do I. Therefore I move that it be agreed to.

Lords' Amendments agreed to.

INCLOSURE BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill to authorise the Inclosure of certain lands in pursuance of a Report of the Inclosure Commissioners for England and Wales, ordered to be brought in by Sir HENRY SELWIN-IBBETSON and Mr. Secretary CROSS.

Bill presented, and read the first time. [Bill 122.]

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.

On Motion of Mr. BOORD, Bill to amend the Metropolis Local Management Acts, ordered to be brought in by Mr. BOORD, Mr. MILLS, Mr. COOPER, and Mr. GORDON.

Bill presented, and read the first time. [Bill 123.]

HOSIERY MANUFACTURE (WAGES) BILL.

On Motion of Mr. PELL, Bill to provide for the payment of Wages without stoppages in the Hosiery Manufacture, ordered to be brought in by Mr. PELL, Mr. CLOWES, Mr. HEYGATE, and Mr. MACDONALD.

Bill presented, and read the first time. [Bill 124.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, 22nd May, 1874.

MINUTES.]—PUBLIC BILLS—First Reading—Customs and Inland Revenue * (78); India Councils * (79).

Third Reading—Courts (Straits Settlements) * (60) and passed.

METROPOLITAN IMPROVEMENTS—THE NEW PUBLIC OFFICES—PARLIAMENT STREET.—QUESTION.

LORD REDESDALE said that, although the houses in Parliament Street which stood in front of the new Government Offices had all been demolished before the meeting of Parliament, and the street might, he supposed, have been opened to its full width before now, nothing had been done since in the way of effecting that improvement. Perhaps the reason of this was that the Department of Works felt convinced that the

taking down of the hoarding in front of the new offices would at once suggest a demand that the widening of the street should be continued down to the open space in front of the Houses of Parliament. It was perfectly clear, and had been so for years back, that sooner or later the block of houses which now stood between the new Offices and Great George Street must be pulled down. But as the old houses in that block fell one by one into decay, new ones were erected; so that for this as well as for other reasons the property was becoming more valuable every year. He hoped they would receive some assurance from his noble Friend that it was the intention of the Government to become possessed of it. He begged to ask his noble Friend the President of the Council when Parliament Street was to be opened to its full width in front of the new Government offices; and why nothing was being done now, or had been done for several months, towards completing that improvement?

THE DUKE OF RICHMOND said, the subject of his noble Friend's Question was one of the first which engaged the attention of his noble relative the First Commissioner of Works on his appointment to his present office, and he could assure his noble Friend that there was no ground for the suggestion that the delay in the completion of the undertaking was due to any dread on the part of the Department that they might be called upon to go further and pull down more houses to complete the improvement. His noble Friend started with assuming what was not quite correct—namely, that towards opening the street in front of the new Offices to its full width, nothing had been done for several months. The fact was there had been no cessation of the works. Sewers had to be formed, gas-pipes to be laid, and water-pipes and mains to be placed before the road could be formed; but before a very long time—he could not speak as to weeks or months—the 40 feet or 50 feet which had yet to be opened would be thrown into the roadway.

MINISTER OF PUBLIC INSTRUCTION. RESOLUTION.

LORD REDESDALE wished to ask his noble Friend (Lord Hampton), Whether he meant to press his Reso-

lution for the appointment of a Minister of Public Instruction. Did his noble Friend mean to urge it in a serious manner? because, if he did, there ought to be a somewhat longer Notice of it than one of 24 hours. The first Notice put on the Paper by his noble Friend was merely one of his intention to call attention to the constitution of the Committee of Council on Education and to ask a Question; but for that Notice he last evening substituted his Notice respecting a Minister of Public Instruction. To press an important Motion of which there had only been such a short Notice would not be in accordance with the customs in their Lordships' House.

LORD HAMPTON said, that his only desire was to make a statement, and he had substituted the Resolution with which he proposed to conclude his address for the Notice he had originally given, merely for the purpose of being in Order; it was not therefore his intention to press the Motion to a division. He trusted, however, that the subject-matter of the Motion would receive the attention of Her Majesty's Government, with a view to its subsequent adoption, because he believed that the appointment of such a Minister would do much to promote the cause of Education. His object therefore in moving his Resolution was simply to promote as far as he could an object for which he had contended for many years. That object was of a very simple character, and he had never varied in stating it, his opinion now being, as it long had been, that the rapidly growing educational interests of the country ought to be entrusted to a distinct Department of the State, presided over by a responsible Minister, and not entrusted, as it now was, to a body such as the Committee of Council on Education. He would not detain their Lordships by entering at length into the circumstances under which the Committee of Council was constituted. It was in the year 1839 that the late Lord Lansdowne proposed that the administration of the Education Grant, which then amounted to the small sum of £30,000 a-year, should be entrusted to a Committee of the Privy Council. Since that time, however, the interest of the public in education had rapidly grown, and the grants given by Parliament for the purpose had gradually and steadily increased. After

the Committee had been in operation for several years he and other friends of Education became of opinion that the organization of the Committee did not fit it for the performance of the duties of a Department of Education. In 1836 the noble Earl who was then Lord President (Earl Granville) introduced into their Lordships' House a Bill for the appointment of a Vice President of the Council. This official was, however, very different from a Minister of Education. He must here say that on that occasion the noble Earl spoke in courteous and complimentary terms of him and his advocacy of the appointment of a recognized Minister of Public Education; and he supposed the noble Earl might think him ungrateful for having ever since held that the appointment of a Vice President of the Committee of Council on Education did not meet the requirement. Their Lordships would, of course, understand that when he spoke of the Vice President his remarks were directed to the office and not to the individual who filled it. He had no intention whatever of reflecting on the noble Duke (the Duke of Richmond) who now presided over the Committee or on the individuals of whom it was composed. He addressed himself wholly and exclusively to the organization of the Committee as a mode of administering a great Department; and he did think that as such a body it was anomalous and inconvenient, and that, above all things, no precedent could be found for it in the government of this country. There were Departments presided over by Boards, such as the Board of Admiralty, or by a Council, like the Council of India; but the First Lord of the Admiralty and the Minister for India had for their Council, men who had professional or official experience in the particular matters on which they were called upon to advise their Chiefs, but the constitution of those bodies was in no way analogous to the Committee of Council on Education, in which there were a President and Vice President, who were to a certain extent co-ordinate Ministers, and who were assisted by a Council consisting of the heads of various Departments whose time and attention were constantly devoted to subjects other than those upon which they were called upon to advise—none of that business being connected with Educa-

Lord Redesdale

m. He could not help thinking that was an inconvenient and anomalous mode of conducting a great public Department, and in that view he was supported by very high authority. In 1856, when the question was before the House on the Bill of the noble Earl opposite (Earl Granville), the late Earl of Derby, who took part in the debate, suggested, either, if they were disposed to have a Department of Education, it would not be better to have a radical change at once, and appoint a Minister of Education, who should have no other duties to perform, and who should be responsible for the education of the people. The Bill passed and a Vice President was appointed; and no change having been made in the constitution of the Committee after that time, he (Lord Hampden) was so little satisfied with the way in which it worked that in 1865 he felt it to be his duty to move in the House of Commons for the appointment of a Committee to inquire into the constitution of the Committee of Council on Education, and the system under which its business was conducted. The Committee was appointed and sat for two Sessions, and at the close of the Session of 1866 it became his duty as Chairman to draw up a Report. He accordingly prepared a Report, which was distributed among the Members of the Committee, but it was never considered, and therefore not presented, a change of Government having taken place at the time, and he and other Members of the Committee having become Members of the Administration. In consequence of these occurrences the sittings of the Committee were not continued, and his Report only appeared as a draft in the Blue Book. Among those, however, who were examined before the Committee were Earl Granville, Earl Russell, Mr. Lowe, Lord Aberdare (then Mr. St. John), and Sir Charles Adderley. Nothing could be more remarkable than the discrepancies between them as to the nature of the duties which as Presidents and Vice Presidents of the Committee of Council they were required to perform. Mr. Lowe was of opinion that the Vice President of the Council he was in the same position as an Under Secretary of State. Mr. Bruce entirely differed from that view, and held that the situation was not that of an Under Secretary of State, adding that he had

considered himself to be a Minister responsible to Parliament for the manner in which his duties were discharged. Sir Charles Adderley's view was that the Committee was useless, and worse than useless; and he stated that when they met he had "to teach them the questions which they had to consider." Earl Granville approved of the Committee, but admitted that it was better to have the responsibility concentrated than divided, and he also concurred with Mr. Lowe that there was nothing in the office which might not be conducted by one man. He further declared that this Committee had absolutely no responsibility, and that if he differed from the Committee on any question of principle, he should not consider himself bound by the opinion of the majority. What a body the Committee must be when one of its Presidents distinctly stated that he should not consider himself bound to follow its decisions. Earl Russell, however, differed in opinion from Earl Granville. He considered that the Committee had responsibilities, though it would be difficult to determine their extent, and was of opinion that the view of the majority should override that of the Lord President. Now, such discrepancies of opinion on such a matter among statesmen who had actually filled the office either of President or Vice President, were hardly consistent with the proper organization and useful working of a great Public Department; but the climax of anomaly was reached when, in the late Government, the President and Vice President of the Council happened to sit side by side as Members of the same Cabinet, each representing the Department of Education. In 1868, in the first Administration presided over by the present Prime Minister, the Duke of Marlborough, who then filled the office of Lord President of the Council, introduced a Bill, one of the most important provisions of which was the appointment of a Secretary of State who should have under his charge and control all matters connected with education. In moving this Bill, the noble Duke said that Her Majesty's Government had come to the conclusion that the work of education was large enough to engage the undivided attention of a distinct Department of the State. The Bill did not pass; but, on the second reading, the noble

Duke gave a very effective answer to a question which might also be put in the course of the present debate. It was asked, why should not the President and Vice President of the Council be able to administer the Department of Education quite as well as a Secretary and Under Secretary of State? and to that the noble Duke replied by reminding those who raised the objection that the President of the Council had many other duties to perform besides presiding over the Department of Education—the Public Health, Quarantine, Cattle Disease Nuisances, the Channel Islands, and many other subjects sufficient to engage his whole energies. The duties of the Committee were, indeed, very various. He himself on a recent day introduced a deputation to the Lord President on the subject of improving the training of teachers for middle-class schools, and on another a deputation on the subject of the cattle disease. Each of those subjects was very important in itself, but what connection had the one with the other that both should be dealt with by the same Department? And the question now was whether the time had not come when this jumble of duties should not be terminated, and when the Minister who had to consider all matters relating to Public Health and the Prevention of Cattle Disease should be relieved from the duty of presiding over the Education Department of the country. But if a Minister of Education was necessary in 1868, it was more necessary now—for since that year three great changes had occurred in the question of Public Education. The first was the Bill—now an Act—introduced by Mr. Forster in 1870; the second was the establishment of the Endowed Schools Commission; and the third was the appointment of the Royal Commission on the subject of Scientific Instruction, which was presided over by the Duke of Devonshire, who was carrying on its duties with most able Colleagues. With regard to the Education Act, he desired to speak of it with all praise; but, in his opinion, it had left the question of education in some respects in an unsettled and unsatisfactory state. There was, in his mind, one great defect in the Act, and that was that it did not make satisfactory provision for the religious education of the people. He thought no one would controvert him when he said that the se-

cular views of the Birmingham League found no favour with the people. He did not limit his remarks to any particular body—he did not distinguish between Churchmen and Dissenters—but he repeated that the great body of the nation desired that the education of the people should be based on religious grounds. Again, the training of teachers for upper and middle-class schools had become a necessity. At present, too, there were no less than 700 school boards constituted—and here surely was matter sufficient to occupy the attention of any Minister—the schemes prepared by the Endowed Schools Commissioners had also to be carefully considered; he had himself presented many Petitions in favour of museums as a means of technical instruction; and lastly, the recommendations contained in the Fourth Report of the Royal Commission on Scientific Instruction, which was recently presented to Parliament, furnished additional arguments in favour of the Resolution. These were the grounds on which he ventured to submit that the Committee of Council on Education should give way to a more regularly constituted Department, and the Government now in power carry out the views of which as a party they approved in 1868. The noble Lord concluded by moving the Resolution *pro forma*.

Moved to resolve, That in the opinion of this House it is desirable that the Committee of Council on Education should be superseded by the appointment of a Minister of Public Instruction, who should be entrusted with the care and superintendence of all matters relating to national encouragement of science and art and popular education.—(The Lord Hampton.)

THE DUKE OF RICHMOND: My Lords, my noble Friend (Lord Hampton) in the concluding part of his speech, appeared entirely to forget that he had altered his Notice as it originally stood on the Paper, and that in lieu of a Question as to the intention of the Government he had substituted a Resolution embodying a policy of his own. Accordingly I have now no Question to answer on behalf of the Government. But though I need not be at the pains of replying to a Question which has not been put, I shall address myself to some of the observations made to your Lordships by my noble Friend with the view of showing you that the House ought not to concur in his Motion. My noble

Lord Hampton

and, in the course of his observations, to your Lordships that he referred to us and not to individuals, and that had no intention to reflect on me, in return I shall speak as if the Lord President were some other individual or the person who has now the honour of addressing your Lordships. I must, in the first place, remark that I waited far from my noble Friend, as he is on, what great failures had attended the carrying on of the business of the Committee of Council. In the latter part of his speech my noble Friend mentioned a great deal on the constitution of the Department. He said it was painful, inconvenient, and such as no precedent in this country. Regarding the Committee of Council as a whole, I venture to think that it is a very efficient organization for the carrying on of business, because by means of it the President has an opportunity of dealing with the other Members of Government on the various measures connected with education. In matters relating to education in Scotland we have the advantage of the advice of the Lord Advocate, and in matters relating to education in this country we have the counsels of my noble friend the Minister for India, and for the Army my right hon. Friend the Secretary for War. My noble Friend referred to a speech made by the late Lord Derby in 1856; but on looking to that speech I do not think it supports the proposition of my noble Friend to the extent he seems to suppose. Lord Derby said the time might come when it would be necessary to appoint a Minister of Education, and that he thought the Lord President and the Minister of Education should then be one and the same person. I shall not now, my Lords, enter into the question whether the Prime Minister should be President of the Council or I should be Prime Minister; but I do not think Lord Derby's observations were intended to have the application which my noble Friend seeks to put upon them. As to the various kinds of business which my noble Friend referred to as being discharged by the Committee of Council, I would remind him that many matters relating to the public health are now within the duties of the Local Government Board. As to the Poor Law, and the department of Science

and Art, my noble Friend did not show us why the arrangements under which the Museums at South Kensington and Bethnal Green are conducted are not to be regarded as satisfactory; and my noble Friend did not state what he proposed to do as to them. My noble Friend referred to the state of things which existed in 1856, and thence down to 1865—but we have got a step forward since 1865. He says there ought to be a Minister of Education. My answer is that there exists a Minister of Education, and I have the honour to be that Minister. That is plain from an Order in Council dated in 1856, after the appointment of a Vice President. There is another Minister, whether you like to call him an Under Secretary or Vice President of the Council, who is second to the President; but nothing can be more decisive, clear, and conclusive than that the Lord President of the Council is Minister of Education, and that he is responsible for everything that goes on in the Department of Education—and he is in truth a Minister of Education with a seat in the Cabinet. My noble Friend does not attack the appointments to either office. That of Vice President has been filled by such men as Mr. Lowe, Lord Aberdare, and Mr. Forster, and I would ask where could you find men better qualified for the post? I think the same question may be put in respect of my noble Friend Lord Sandon, who is now Vice President. My noble Friend (Lord Hampton) has referred to the Bill introduced by the Duke of Marlborough in 1868, for the appointment of a Minister of Education, which Bill fell through; but the state of things in respect of education has entirely altered since then. At that time the Department had to overtake all the work of education throughout the country; but the Act passed by the late Government in 1870, has relieved it of much of that work. True a large amount of additional work immediately followed the passing of that Act; but it has been greatly reduced since, and there is no such difficulty in carrying on the business of the Department as my noble Friend supposes; and though there is a very large number of school boards—some 700 or 800—very little acquaintance with habits of business enables the Ministers of the Department to get through the business which comes from

the School Boards. Then as to the Endowed School Commission, I can assure my noble Friend that the questions which come before the Lord President arising out of the schemes give but comparatively little trouble. The details are easily mastered, and I think the schemes which have been dealt with by me have been settled satisfactorily. I think I may assert so much because no complaints have been made on that head in respect of schemes which have received the sanction of the Department. My noble Friend referred to the evidence given by Lord Russell before his Committee; but I see that when asked as to the responsibility of the Department, Lord Russell said there was no responsibility on it beyond what occurred in other offices. And on one point I would remind my noble Friend that if you appoint a Minister of Instruction you do not thereby get rid of responsibility. On looking at the evidence given to the Committee by my noble Friend opposite (Earl Granville), who presided over the Education Department for many years, I do not think that he alleged that he found any difficulty in conducting its business, and I think the view he took was that he was the responsible Minister. My noble Friend quoted Mr. Lowe, but he did not cite one remark which was made by that right hon. Gentleman. He was asked, how the Department was managed? and he replied that it was managed very much like other Departments. Matters of routine go to the gentlemen at the head of the various permanent offices, from whom they are passed on to the very able Permanent Secretary (Sir Francis Sandford), who considers points and discusses them with the Vice-President, who again takes counsel with the President. Mr. Lowe described it as a system of sieves, and said that what was too large to go through his sieve, he passed on to the Lord President. I do not know whether my noble Friend intends that the jurisdiction of his Minister of Instruction should extend to Ireland? If he has not thought of this point, I leave it to him for his consideration before the next time he brings on his Motion. But supposing he succeeds with his Motion, who is to be his Minister? Would he be a Secretary of State having an Under Secretary? In such case I ask my noble Friend, in pity, what does

The Duke of Richmond

he propose to do with the Lord President of the Council, who now holds official rank in the Government next after the Prime Minister and Lord Chancellor? What duties would he leave to the Lord President? In fact, if the scheme of my noble Friend were carried out, and a Secretary of State was to be made Minister of Education, nothing would be left for the President of the Council, except the drawing up of Orders in Council, which are done in the Department, and over which he has no real supervision, and it seems to me that the President of the Council would subside into a first-class Veterinary Surgeon. I do not think I should discharge the duties of that office to the satisfaction of the country. On that ground, therefore, I should dispute the advisability of my noble Friend assigning me such an appointment. My noble Friend has stated that he has appeared before me on two or three occasions lately as introducer of deputations of schoolmasters and agriculturists. I hope and fancy from what passed on these occasions, that those who presided over the Department—not myself alone, but my noble Friend Lord Sandon—for we act most cordially together, and there can be no one more satisfactory to his Colleagues than my noble Friend—did not exhibit any ignorance of what was going on in either subject. I know I can say for myself that I felt quite equal to my noble Friend on all these occasions. For these reasons I do not think the time has arrived for appointing a Minister of Education. But if there ever was such a time it was before the great measure of education had been passed by the late Government, when there might have been some plea for it. I will not go now into the question whether the people of this country are or are not in favour of a religious education, for I do not think it comes within the terms of the Resolution. The subject has now been sufficiently long before the public and the Department, and the Department are perfectly satisfied that they can deal with everything that comes before them connected with the education of the country. For this reason I shall think it my duty to meet with a negative Motion of my noble Friend.

EARL GRANVILLE: My Lords, after what has fallen from the noble Duke—and the noble Duke having said that

did not accept this Resolution and having given his reasons for that course—it hardly necessary for me to add anything; but there is one point on which wish to corroborate him. On the abstract question I entirely agree with my noble Friend who made this Motion—as to the immense importance of education. Abstractedly I see no objection to a Minister of Education; but, in order to prove his case it would be necessary to show what my noble Friend did not attempt—namely, to prove its necessity and show the practical inconveniences of the present system. As to whom the responsibility attaches I should say there could not be the slightest doubt that subject, only that a noble Friend and Colleague of mine has given a somewhat contradictory opinion. The more, however, I think on it, the more convinced I am that the opinion I gave before the Committee was perfectly right. It appears to me quite clear, that notwithstanding the appointment of the Vice President of the Council to represent the Department in the House of Commons, the Minute which appointed the Vice President made it clear that it is the President of the Council who is responsible for all that occurs in the Department. The noble Duke the President of the Council is Minister of Education; and the very fact to which my noble Friend referred of the Department having been represented in the late Government by two Members of the Cabinet at the same time, if it tells at all in favour of the Department showing that two Ministers were necessary to have more weight in the Cabinet than one. And here there is a question which I would ask my noble Friend. Is the new Minister of Education, whom he proposes, necessarily, to be a Member of the Cabinet or not? If it is not convenient for him to do so, it is quite clear that Education would lose very much by not being represented in the Cabinet as now by the President of the Council. I own there is something anomalous in the Vice President of the Council having been, as in the late Government, a Member of the Cabinet. At this position there was not because he was Vice President, but because that he happened to be held by a person who, from his political knowledge on all subjects, his weight in the House of Commons, and his power of speaking

was considered to be a most advisable adjunct. As to the working of the Department, I have had longer experience on that point than the noble Duke, and I can sincerely say I never knew any inconvenience arising from the fact of the Vice President being the representative of the Department in the House of Commons. I think, on the one hand, there is considerable advantage in this case in having a person in this House the responsible Minister of Education; and on the other in having a Vice President of the Council instead of an Under Secretary in the House of Commons, as being higher in rank, and as giving the Prime Minister the power of selecting a person of superior position to fill that post. I do not think there would practically be any advantage in a change. But there is another point which I think worth your Lordships' attention. Is it desirable to increase the number of the great Departments of the State? I doubt it exceedingly. I put aside the question of the expense of the additional salaries of the staff of the new Department; but I think it most important not unnecessarily to create a large number of great Departments. Then the heads of great Departments have a claim to be in the Cabinet. I think in the formation of the present Government it was wisely decided to diminish the number in the Cabinet rather than to increase it. I remember a good many years ago, when a Government was formed by the father of the noble Earl opposite (the Earl of Derby), many Members of our party regretted that he did not reduce his Cabinet to a much smaller number. Making the Cabinet unwieldy is not a good thing for the Administration. The noble Duke (the Duke of Richmond) stated that the late Lord Derby had said that in his opinion the Lord President of the Council ought to be Prime Minister. I think it has always been a disadvantage that the Prime Minister should have no particular office. I have thought that an easy way of getting rid of the difficulty would be to restore the office of Lord High Treasurer, which in that way would be most useful—but that is not the question now. Your Lordships must have observed that every now and then there is a demand for a Minister of Agriculture, and again another demand for a Minister of Education, both to be Members of the Cabinet. But I am

quite sure myself that the multiplication of this class of great officials is a thing not to be desired.

LORD COLCHESTER supported the Resolution. He had always been in favour of the appointment of a responsible Minister of Education, rather than that the Department should be principally under the direction of a Vice President, in a subordinate position, in the House of Commons. He thought great inconvenience had arisen from the want of such a Minister. Considering the great part the State now took in the education of the country, it ought to be possible to select for that office, without any reference to other duties, the man who would be fittest for the work of Education, and that work alone. If the President of the Council was always responsible for educational matters, what, he asked, was the position of the Vice President? Such men as Mr. Lowe, a noble Lord not now in the House (Lord Aberdare), and Mr. Forster had left their impress on the educational policy of the day. In his opinion, those eminent men might be regarded as Ministers of Education, for they held a position different from that of the minor Ministers of any Department. What would have been thought in the country, under the late Ministry, if it had been announced that the Vice President of the Council had resigned his office? It would at once have been supposed that the whole educational policy of the Government had been changed. On the other hand, what sort of a spectacle was it to find the Minister actually presiding over the Education of the country, answering Questions relating to the diseases of cattle? It was, therefore, better that we should have a responsible Minister of Education than that the Minister in the House of Commons should hold a subordinate place—especially now that the question of education occupied a totally different position from what it had done before. There might be a question as to how the State should interfere with education; but if it did so interfere, the work ought to be confided to a separate Department presided over by a Minister specially selected with reference to his fitness to deal with the subject.

EARL GREY said, his noble Friend the present President of the Council, as well as his noble Friend (Earl Granville), who so long occupied that office, had

Earl Granville

demonstrated so clearly the inexpediency of adopting the Motion of the noble Lord opposite (Lord Hampton) that he should not have thought it worth while to add a word to the debate, if the noble Lord opposite had not made a great mistake in supposing that the constitution of the Education Department was anything new or unprecedented in the manner of carrying on the government of this country. The noble Lord ought to have been aware that in the early days of our Government, when the affairs of the country were far simpler and less complex than at present, the whole Government was really carried on by the Privy Council, and the Ministers of State were merely instruments to carry into effect the directions given by that Body. In short, the Privy Council was *bona fide* the Government of the country. At a much later period, when the Secretaries of State came to exercise a larger and more independent power, a Committee of the Privy Council became the real instrument for governing the Colonies. Our Colonies were then governed by the Committee of the Privy Council for Trade and Plantations, the constitution of which was similar to that of the Committee on Education at the present day. Therefore, instead of being anything new or anomalous in this country, the Committee of Council on Education was merely an adaptation of the oldest practice of the Constitution—and, in his opinion, it was a very convenient one. It seemed to him, however, to be irregular that both the President and the Vice President should sit in the same Cabinet. While he admitted that the present system acted well, he was far from saying that, on some future occasion, the whole constitution of the great Offices of State might not very properly undergo revision.

On Question? *Resolved in the Negative.*

RAILWAY ACCIDENTS.—QUESTIONS.

LORD COTTESLOE asked the Lord President, Whether the attention of the Board of Trade has been called to two fatal accidents which occurred recently to passengers by railway, where deaths resulted from leaving the trains while in motion, on which inquests were held by Dr. Lankester on the 20th inst.; and whether that Department has now under

their consideration the question of requiring that platforms at railway stations should be of uniform height, and that continuous footboards be provided for all railway carriages, to the want of which the accidents in question were attributed by the coroner and jury?

THE DUKE OF SOMERSET also asked when the Royal Commission on the subject of Railways would commence their inquiry, and what were the names of the Commissioners?

THE DUKE OF RICHMOND said, the matter referred to by the noble Duke had occupied the attention of Members of the Government, including those who drew up the Order to regulate the proceedings of the Commission. Whether the arrangements connected with that matter were complete he did not know—if the noble Duke had given him Notice of his Question, he would have been able to inform him. The Answer to the Question of the noble Lord (Lord Cottesloe) was that both the accidents referred to had been reported in due course to the Board of Trade. His noble Friend would recollect that this was not the first time that accidents of this sort had occurred, and that it was not the first time that such accidents had occupied the attention of the Board of Trade. An accident of this sort was the cause of Sir Donald Macleod's death in 1872. The Board of Trade at the time directed that an inquiry should be made into the cause of the accident, and a very full Report was made by Captain Tyler, in which he recommended that by a general agreement the platforms at railway stations should be made of uniform height, and that continuous foot-boards should be provided for all railway carriages. His noble Friend would perceive that foot-boards could not be made uniform unless all the platforms were of the same level. The subject had been under the consideration of the Board of Trade, but the misfortune was that the Board of Trade had no power to require the improvements recommended by Captain Tyler to be made. They could only call the attention of companies to the fact that accidents had occurred in consequence of foot-boards not being continuous. It seemed to him that this was one of the points that might very fairly and legitimately come under the consideration of the Royal Commission which had been alluded to by his noble Friend. •

INDIA COUNCILS BILL [H.L.]

A Bill to amend the Law relating to the Council of the Governor General of India—Was presented by The Marquess of SALISBURY; read 1st. (No. 79.)

House adjourned at Seven o'clock,
to Monday the 1st of June
next, a quarter before
Five o'clock.

HOUSE OF COMMONS,

Friday, 22nd May, 1874.

MINUTES.]—SELECT COMMITTEE—*Special Report*—Explosive Substances.

PUBLIC BILLS—*First Reading*—Colonial Clergy * [125].

Select Committee—Homicide Law Amendment * [44], *nominated*.

Committee—Municipal Privileges (Ireland) (*re-comm.*) * [119]—R.P.

Considered as amended—Married Women's Property Act (1870) Amendment * [96].

PARLIAMENT—THE WHITSUN VACATION.

House at rising to adjourn till Monday 1st June.—(*Mr. Secretary Cross.*)

PRIVILEGE—EXPLOSIVE SUBSTANCES COMMITTEE.—SPECIAL REPORT.

Leave given to the Select Committee on Explosive Substances to make a Special Report.—(*Sir John Hay.*)

Special Report brought up, and read, as followeth:—

The Select Committee on Explosive Substances have agreed to the following Special Report:—

That the attention of the Committee has been called to a Letter from Mr. R. S. Franco, addressed to the Chairman of the Committee, and that as such Letter appears to reflect upon the conduct of the Chairman, the Committee had agreed to report the same to the House in order that the House may take such steps as it shall think fit.

[Then the said Letter is set forth at length.]

Ordered, That Mr. R. S. Franco do attend this House upon Monday the 1st day of June next, at half an hour after Four of the clock.

MONASTIC AND CONVENTUAL INSTITUTIONS.

POSTPONEMENT OF MOTION.

MR. NEWDEGATE said, he wished to appeal to the indulgence of the House

to enable him to make a statement with reference to a Notice of Motion which stood in his name for that evening. It was for—

"An Address for Copies and Translations of any Laws, Ordinances, or Regulations relating to Monastic and Conventual Institutions connected with the Church of Rome, and to the inmates or members thereof, especially to the regular Orders of the Church of Rome, which may be enforced by the authority of the State, and are at present operative in France, in the German Empire, in the Austro-Hungarian Empire, in the Russian Empire, in Italy, in Sweden and Norway, in Belgium, in Spain, and in Switzerland; and, of any projects of Law relating to these subjects that may have been proposed by the Governments, and are under the consideration of the Legislative Assemblies of the above States."

He found that his hon. Friend the Member for Longford (Mr. O'Reilly) had put an Amendment upon the Paper, including with the Motion, Returns from several other countries. The Government had notified to him (Mr. Newdegate) that his Address was already objectionable, as likely to produce too voluminous a Return, and he had endeavoured to communicate with the hon. Member to that effect, but found that he had left London. Under these circumstances, in compliance with what he believed to be the opinion of Mr. Speaker in such a case, he (Mr. Newdegate) proposed to defer the Motion until Tuesday, the 9th of June.

GUANO DEPOSITS OF PERU—SURVEY.

QUESTION.

MR. M'LAGAN asked the Secretary to the Admiralty, Whether the Board of Admiralty have considered favourably the suggestion made by Rear Admiral Cochrane in his letter of the 25th December 1873, viz. "to cause to be employed a party of civil engineers sent from England to survey the guano deposits of Peru?"

MR. A. F. EGERTON, in reply, said, that the Board of Admiralty had expressed no opinion upon the suggestion made by Rear Admiral Cochrane, as the matter was one which did not come within their cognizance. The question had been referred to the Foreign Office and the Board of Trade, and the heads of those Departments would, no doubt, take the matter into consideration.

Mr. Newdegate

CAPE OF GOOD HOPE—RESPONSIBLE GOVERNMENT.—QUESTION.

MR. W. M. TORRENS asked the Under Secretary of State for the Colonies, Whether he will lay upon the Table any further Correspondence respecting the working of responsible government in the Cape of Good Hope, in continuation of Papers presented last year upon that subject?

MR. J. LOWTHER: Sir, the system of responsible government has now been for some time established at the Cape, and since the presentation of the Papers referred to last year, there has been no question, possessing any general interest beyond the Colony, with regard to the working of the Constitution now in force. Under these circumstances, Her Majesty's Government do not feel themselves justified in incurring the expense attendant upon a presentation of further Papers.

THE GENERAL ELECTION—RETURNS.—QUESTION.

MR. DODDS asked the Secretary of State for the Home Department, Whether the Return relative to the General Election, for which an Address was ordered by the House on the 20th of March last, will be presented to the House?

MR. ASSHETON CROSS, in reply, said, that the usual steps were taken as soon as the Address was ordered, and Returns had been received at the Home Office, except from 10 counties and 20 boroughs, and certain counties and boroughs in Scotland and Ireland. As soon as the Returns were completed, they would be laid before the House.

EXPENSES OF LEGAL PROCEEDINGS (IRELAND).—QUESTION.

MR. O'SHAUGHNESSY asked the Secretary to the Treasury, Whether before proceeding with the adjourned Vote in the Civil Service Estimates, Class 3, for Law Charges and Criminal Prosecutions, Ireland, he will lay upon the Table of the House an Account in the same form as that given in the case of the Tichborne Prosecution, of the amount expended in the defence of each of the actions brought against the Chief and Under Secretary, and the police, arising out of the transactions connected with

ing in the Phoenix Park in 1871; an estimate of the pro-
nount still remaining unpaid;
the future expenditure; and
having regard to the recom-
m of the Comptroller and
General, that this expenditure
be placed under a distinct sub-
sion in the Appropriation
, he will state under what sub-
the Estimates in the past and
years respectively this expendi-
been provided for?

H. SMITH, in reply, said, it
his intention to lay upon the
the House any account of the
sified in the Question.

ATION OF TRADE MARKS— GISTRATION.—QUESTION.

HITWELL asked the Presi-
he Board of Trade, If he pro-
introduce this Session the Bill
and brought into the last Par-
y the Board of Trade for the
ion of Trade Marks; and, if he
intend to re-introduce that Bill,
he will render any assistance to
Member to carry a similar Bill
is Session?

HARLES ADDERLEY: Sir,
no intention of re-introducing
on the Bill brought in by my
or last year. It received very
uragement in this House and
drawn, as also a similar Bill
rs before. The Bill of last
odied the views of the Board of
the subject, and those which I
myself. As to promising to
ivate Member to carry a simi-
I should wish to see the Bill
re I give any opinion on the

UMENT—PUBLIC BUSINESS THE WHITSUN VACATION.

QUESTIONS.

G. TALBOT asked what Busi-
s proposed to take on Monday,
when the House re-assembled
Whitsuntide Recess?

SRAELI: We shall fix Supply
ay night.

G. TALBOT: And the follow-
sday for Committee on the
Bill?

ISRAELI: Yes. If Supply
occupy the whole of Monday

night, we shall go on with the Juries
Bill.

MR. COGAN inquired whether the
hon. Member for North Warwickshire
intended to go on with his Monastic and
Conventual Institutions Bill on Tuesday,
June 2?

MR. NEWDEGATE said, in reply, he
would wish to go on with the Bill, if
possible; but it would depend upon the
Business of the House whether he could
bring it on.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed,
“That Mr. Speaker do now leave the
Chair.”

ARMY—MILITARY CENTRES—OXFORD.

MOTION FOR A SELECT COMMITTEE.

MR. BERESFORD HOPE, in rising
to call attention to the selection of Ox-
ford as a military centre; and to move
—“That a Select Committee be ap-
pointed to inquire into the expediency
of the selection of Oxford as a Military
Centre,” said: I know there are many
reasons to-night against a long debate,
so I will narrow my argument to the
one issue of the desirability of now
appointing a Committee to consider
the question of the military centre at
Oxford. In doing that, I must very
closely refer to my right hon. Friend
the Secretary of State for War. But I
can assure him that, in all I may say, I
shall bear in mind those manly and
straightforward characteristics which
place him in the first rank among our
statesmen, and those personal quali-
ties which endear him so much to those
who have the privilege of enjoying his
friendship. I am satisfied that I shall
say nothing which will not find a
response in his heart, whether the obli-
gations and restrictions of official eti-
quette may or may not enable him to
confess as much to the House. I shall
travel very rapidly over the question of
Oxford as a military centre, up to the
23rd of May last year; for curiously I am
making this Motion on the eve of that
day 12 months when a similar Motion
was made in the late Parliament. The
House knows that Oxford was selected
as a military centre, and that on the
first announcement of the project, a
feeling of well-founded alarm was raised

both inside and outside the University, lest the presence of such persons as usually gather round a military centre, might be prejudicial to the necessary discipline of such an institution. That feeling found expression in a very influential memorial, which I hold in my hand, signed by 24 Professors and 89 tutors of Oxford, on the 28th of October, 1872. But here let me briefly explain why I have taken up the question. Although the two great national Universities have no formal and legal union, yet they are so united by similar objects and similar constitutions, that neither can be insensible to the welfare of the other. It would have been difficult for one right hon. Member for the University of Oxford to have led in a debate against his Colleague, and on the other hand the importance of maintaining the academic discipline of both our Universities intact was a sufficient justification for my taking up the matter. On the 28th of October, 1872, this address of the 24 Professors and 89 tutors appeared; and when I state that the first two names on the list are those of Dr. Pusey and Dr. Jowett, I need say no more to show that all Oxford, without reference to party feeling, united in protesting against the measure. As to the quality of the memorial, I need only quote these words—equally true and forcible—of my right hon. Friend the present Secretary of State for War, in the debate of the 23rd of May last—

"The memorial represented practically the whole of the teaching power of the University."
—[3 *Hansard*, ccxvi. 370.]

This paper was issued in the Recess, and its publication produced considerable sensation; still there were no signs of yielding on the part of the then Secretary of State for War (Lord Cardwell). Accordingly, on an early day in the following Session of Parliament, my right hon. Friend the present War Minister, zealous as always for his University, asked a Question, and extorted from the Government their consent to the publication of a Report of Prince Edward of Saxe Weimar on the question of the Oxford centre. As to that Report, I need only say that Prince Edward reported against the Oxford site, on purely military grounds, some of which connected with questions of soil, water supply, and so on, might be curable. But he also reported against it on a

ground, which could not be got rid of—that, so far from being central, it was on the verge of the district—Oxfordshire and Buckinghamshire—which this military centre was intended to supply. But the City of Oxford lies on the confines of Berkshire, and a less central position could hardly be discovered by the ingenuity of man. I do not go into the other objections, for these have, I believe, been met by the site which has been selected at Bullingdon, two or three miles from Oxford. No doubt that site meets some of the difficulties; but it does not meet the difficulty raised on the part of the University. For, again to quote my right hon. Friend the Secretary of State for War, I find him stating in this House that—

"It seemed to him idle to say that the fact of the station being two miles from town made a great difference. The moment the men were of duty they would direct their steps towards the large town of Oxford."—[3 *Hansard*, ccxvi. 362.]

Therefore, I am supported in my view of the question by the right hon. Gentleman. I will not enter into the question of University discipline, as probably affected by the presence of this military centre. I am merely making out a *prima facie* case for inquiry by a Select Committee, and the final conclusion must be based on the evidence which will be laid before it. On the 23rd of May last, the then hon. Member for Nottingham (Mr. Auberon Herbert) moved for his Committee, and the right hon. Gentleman the junior Member for the University of Oxford (Mr. Mowbray) seconded him. He was followed by the then Secretary of State for War (Mr. Cardwell) a great part of whose speech was devoted to cutting up the memorial of the Professors and tutors; but the acknowledgment was extorted from him that this military centre was to be composed of not less than 110 individuals. Mr. Cardwell was followed by my right hon. Friend the present Secretary of State for War, who made a speech as logical as it was fervid and telling against the scheme. He laid great stress on the words "near Oxford" and one of the first points he scored was that the dullness of the Bullingdon station would render a town like Oxford doubly attractive to the soldier. He continued—

"The way in which the soldiers behaved was in strict discipline . . . was entirely irrelevant."

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, the conduct of the recruits who were to be brought into this dépôt."—[3 *Hansard*, ccxvi. 69.]

He also went on to say, that which, if true on May 23rd, 1873, must be equally true on May 22nd, 1874—

"That it interfered most materially with the discipline of the University."—[*Ibid.*]

Then, traversing the case that might be raised with regard to the expense, a right hon. Gentleman, in a burst of noble indignation, said—"Did they not know how many pounds it would require to make the Chancellor of the Exchequer put his veto on such a proposal? The memorial," said he, "represents practically the whole of the teaching power of the University." Next he proceeded to deal with a question as to which I have no doubt my hon. and learned Friend opposite the Member for the City of Oxford (Sir William Harcourt), will favour us with some very telling comments based on very constitutional precedents drawn from the days of 1688. My right hon. Friend went on to speak of the supposed interests of the town in the promotion made, as that word is understood by means of shopkeepers not unknown to University towns—

With respect to the town there were, he did not say sordid, but money considerations, taken into account."—[3 *Hansard*, ccxvi. 70.]

The hesitation here implied as to the right use of epithets was short, for in a peroration, which immediately followed, my right hon. Friend—

"Asked the House to set the interest of the nation against the supposed interest of the locality, to set the moral feeling of the University against the sordid feeling of the town, and to support the Motion of the hon. Member for Nottingham."—[*Ibid.*, 371.]

[I call upon him now to give a like support to my analogous Motion. My hon. and learned Friend opposite (Sir William Harcourt), who then and now represented the City of Oxford, followed with an able speech from his brief, which I may—with his assent, I hope—describe as a combination of "Rule Britannia," turned into prose, with some variations on the "British Grenadiers." He was followed by four hon. Members, whose names I am sorry to say I can give—Sir Harry Verney, Mr. Barnett, Sir Henry Storks, who, true to military discipline, spoke with brevity, and Mr. Hughes. The last named speaker,

traversing the arguments of the Member for the City of Oxford, said as to the justice of the comparison between University discipline and that of an army, that although both were good in their place, one was quite distinct from the other, and that no man knew that better than the hon. and learned Member for the City of Oxford. The right hon. Gentleman the senior Member for the county of Oxford (Mr. Henley) also spoke; and the most memorable passage in his speech was that in which he said—

"It would be a great national misfortune if the discipline of the University were interfered with. The proposal, therefore, was a matter of speculation; and the Government were taking the responsibility on themselves if evil consequences should result."—[3 *Hansard*, ccxvi. 375.]

That is perfectly true, and the responsibility is independent of party considerations. Whoever may be in power the speculation will be uncertain, while the responsibility assumed by the Government must remain certain. Then came the division, in which Mr. Cardwell succeeded in taking 134 hon. Members with him into the lobby; while Mr. Herbert was followed by 90; and out of these I see, on referring to the division list, that with Mr. Herbert there voted the President of the Board of Trade, the Chief Secretary for Ireland, the Judge Advocate General—who is so high an authority on questions of military discipline—the Secretary of State for the Home Department, the First Lord of the Treasury, the Lord Advocate of Scotland, the Secretary of State for War, and the Postmaster General. I am sure that I could not have gone wrong when I voted in so goodly a company. This, Sir, I may say, is my case. The Secretary of State for War must have had good reasons for what he said and did then. He made a speech, from which I have read to the House some of the most salient passages, and I believe the House will feel with me that that was far too good and strong a speech to be undone by any other which the right hon. Gentleman may make now, however able that may be. But I am sure that he cannot and does not wish to unspeak that speech. He may now consider that he was then in error; but upon that head I refuse to listen to mere rumour. I do not know what his present views are on the matter, and I

refuse to know what they are, except from his own mouth, and in an authoritative form; but this I know, that regarding the question as he did at that time; having led into the lobby with him, as he then did—for we cannot but suppose that his speech had an influence as great even as that of Mr. Auberon Herbert!—so many of his most distinguished Colleagues and Friends, he must now be earnest and eager in his desire for an impartial Inquiry. If the establishment of the military centre at Oxford is to go on under the control of the present Government, of which so many distinguished Members voted against the proposal at that time, then I say that they have contracted an additional obligation to commit the case to the inquiries of an impartial tribunal, and such an impartial tribunal can only be found in a Select Committee of this House. He owes that to his Colleagues, and equally to my hon. and learned Friend the Member for the City of Oxford. For if the world sees this project of a military centre at Oxford going on, and going on under the direction of the right hon. Gentleman the senior Member for the University of Oxford, and under the paternal and dignified patronage of my hon. and learned Friend the Member for the City of Oxford, then the world will have the right to inquire how it comes about that the lion and the lamb are thus lying down together. Now, with reference to the main question, my feelings, I must confess, remain unchanged. I do not defend those feelings in my own words. I have quoted the language of my right hon. Friend the Secretary of State for War in their vindication. I believe that a military centre and a University are two incongruous things, but both good and necessary things; still, not things that can be well married together in one and the same town. I believed that, when I voted with Mr. Auberon Herbert last year, and I believe it now. But that is not the only issue on which I put the question. I contend, and I believe the House will agree with me, that my right hon. Friend having thrown down the gage to fortune, and having rightfully and strongly committed himself last year against this military centre; if now he sees reasons why, being in another position, and after the many things which have happened since then, it is his duty to carry out what he then pro-

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tested against, it is only wise and just for his own untarnished character, which can only come out brighter after every inquiry, that this Committee should be appointed. I am satisfied that he has done nothing which has not been dictated by the highest sense of duty. If, however, there is an outward discrepancy between the course which was then taken by my right hon. Friend and that which he now takes, that discrepancy ought to be cleared up. No speech which he may make to day can be a better or stronger speech than the one he made last year. It may be as good, but it will not be a better, and I trust that he will not attempt to unspeak that speech. A Select Committee of this House is the impartial tribunal to which such a question as this ought to be referred. In its appointment my right hon. Friend could have the share to which he is entitled. Independent Members of the House would also have their share; and it is the only Court of honour to which the subject can be properly referred. I invite him, then, in a spirit of no hostility to the Government of which he is a Member, in no hostility to the University, and equally in no hostility to the efficiency of the military service, which must be looked to at Oxford as well as in other counties, to accept my Motion, allow a Committee to be named for the purpose of taking evidence, and to permit that evidence to go forth to the world, which is necessary for the satisfactory solution of this somewhat troublesome question. In accordance with the terms of my Notice, I beg to move the appointment of a Select Committee upon the subject.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words—"a Select Committee be appointed to inquire into the expediency of the selection of Oxford as a Military Centre,"—(*Mr. Beresford Hope*),—instead thereof.

Question proposed. "That the words proposed to be left out stand part of the Question."

MR. GATHORNE HARDY said, that the hon. Member for the University of Cambridge (*Mr. Beresford Hope*) in bringing forward the Motion had relied mainly upon a speech he (*Mr. Hardy*) had made very ineffectually last year, and the hon. Member seemed to think

that nothing had occurred since then to place him in a different position, except that he now held office, which he did not hold when he made that speech. The hon. Member appeared to have forgotten the very important changes which had occurred affecting this question since then. When he first acceded to office he was immediately addressed by the delegates from the University, who desired to obtain a re-consideration of the question; and he had informed them that it was not because he was the Representative of the University, that he could over-rule the proceedings of his Predecessor in this matter—especially when a Vote of Parliament had been taken on the subject—before anything had been done to carry into execution the determination to establish this brigade depôt, and when, therefore, there was nothing to prevent the re-consideration of the subject. At that time they had a fair field all over the country before them, and they might have selected either Woodstock, Aylesbury, or High Wycombe as the site for the establishment of the military centre for the district, for no step had been taken to fix the locality. But what had since happened? After the Vote was taken in Parliament, the late Secretary for War felt himself at liberty to proceed in the matter. Twenty acres of land were bought for £2,400 in September last, and an agreement was entered into with the corporation of the city for the supply of water to the new depôt, under an arrangement by which the War Department was to pay half the expenses of the necessary works, and to take a certain supply of water daily. Forms of tenders for the works of the depôt had been sent out, and of the 12 tenders received, the lowest, for £52,000, was accepted, and at the present time the contractor was in possession of the land, had begun to lay the foundations, had entered into contracts with sub-contractors for the performance of certain of the works and with the owners of quarries for the supply of stone necessary. The whole circumstances of the case, therefore, had entirely changed since he had made the speech relied on by the hon. Member for Cambridge University; for they had the land taken, the water supply arranged, the drainage provided for, the tender for buildings accepted, and the contractor, who had entered into engage-

ments, actually in possession of the ground. In fact, matters had gone so far, that, personally, he could not stop them—nor the House, unless it were prepared to pay a sum to re-inburse the contractor; and he felt that it would be hopeless to ask that House to consent to the appointment of the Committee which the hon. Member asked for. At the same time, he must still say that he thought the wishes of the University had not been sufficiently consulted in the matter. He thought—and he said it in the presence of the hon. Member opposite—that the University should have been allowed some voice in the question. As being the national University in the town of Oxford, it ought to have been consulted, and great weight should have been attached to its wishes. He was aware, from communications he had received from men of all parties connected with the University, that they held the very strongest feeling on this subject, and that they most earnestly desired to get rid of this depôt. At the same time he—acting under a sense of great responsibility, and seeing that the place had been fixed, that the works had been commenced, and that a staff officer was in command, for whose accommodation a house had been taken until the completion of the buildings—felt that he could not now with propriety ask the House to assent to the appointment of the Committee, as he was prepared to have done last year. He trusted, therefore, that the House, under the circumstances, would see no inconsistency between his speech of last year and his present determination to withhold his assent from the Motion of the hon. Member. He, however, must say he had stated the facts, and he must leave them to judge.

Mr. HALL said, that it was agreeable to see the Cam coming to the rescue of the Isis; but, at the same time, he earnestly hoped, on practical grounds, that the House would not accede to the Motion of the hon. Member for Cambridge University for a Select Committee. He did so first upon the grounds stated by the right hon. Gentleman the Secretary of State for War—that the land had been purchased, and that the contractor was actually at work. But there were further objections to the hon. Member's proposal. When they considered that the opinion expressed by Lord Cardwell last year was

almost as a matter of necessity now endorsed by his successor, he would ask the hon. Member (Mr. Hopo), whether he was sanguine enough to suppose he could show so good a case to the Committee as would induce them to take the very decided step of recommending the House to reverse the decision at which two Secretaries for War had arrived, and so to bring about the delay and inconvenience which must necessarily be the outcome of the Motion if it were successful? Coming to the main question, and putting aside all question of sentiment, it was admitted by all who had considered this subject that Oxford possessed peculiar advantages, which justified it being selected as the site for the military centre of the district. It was in the centre of a populous agricultural district, from which many of their best recruits had and might again be drawn—the pick of a thriving and contented country population—men who had not yet succumbed to the new fashion of which the House had heard the other day, in a speech of the hon. Member for Morpeth, of refusing to shoulder arms until they had voted for a Member of Parliament. Oxford was also the centre of a perfect network of railways, although not on the main line; but whose fault was that? Few places combined greater advantages, and that probably furnished the reasons which induced Lord Cardwell to select Oxford as the site of the military centre; and the only physical objection—that of the want of water—the right hon. Gentleman had just informed the House had been obviated by the public spirit of the citizens of the city, who had undertaken to pay half the expense of the necessary works for supplying the depôt with water, the Corporation having agreed to do this in perfect reliance upon the good faith of Parliament. The other and only real objection to the proposal was the fear of the effect which barrack propinquity might have on the discipline of the University. He was quite willing to admit that when this question was first mooted there was a very strong feeling on the subject; but it had now subsided to a great extent, and if the hon. Member for Cambridge University had not brought forward that Motion, very little would have been heard of the matter in Oxford. It must be recollected that there was a very great difference between making

Mr. Hall

Oxford a garrison town and making it one of the great military centres which were going to be placed throughout the length and breadth of the land. It was absurd to suppose that the presence of 110 soldiers—the number the hon. Member stated they would be—would interfere with the discipline of the University. But supposing that the hon. Member were to succeed in preserving Oxford from the presence of those soldiers would not the hon. and learned Member for Limerick immediately feel it to be his duty to ask that Dublin, as University town, should also be protected in like manner; and he would ask why an English and an Irish University should be placed on a different footing in this respect? The result would be that the House would find itself landed in one of those charming Irish *conversations* to which it had listened on several occasions that Session, not perhaps with pleasure, but with patience. Should the hon. Member press the Motion to a division, he should claim against it the votes of hon. Members below the gangway on the other side of the House. But it was not only barrack propinquity—it was railway propinquity also that the University authorities objected to. Not long ago the Great Western Railway Company was prevented from running their main line to the town, and they were compelled to make a detour by Swindon in order to get to the West of England, to the great and irreparable loss of the City of Oxford. On another occasion the Company proposed to build a few railway carriages in the neighbourhood of Oxford, when again the University authorities took fright, and, as had been rather cleverly shown in a caricature then published, the Jupiter of the University had arisen in his æsthetic might, and had hurled poor Vulcan out of the Oxford paradise. It was now proposed by the hon. Member to treat Mars in the same way, though he presented himself in the more humble garb of a military depôt. If hon. Members referred to the pages of *Hansard*, they would find that that time last year, during a debate on the same subject, an apprehension was very generally expressed that an officers' mess would be likely to exercise a corrupting influence on the undergraduate mind. Well, he would not stop to inquire whether the undergraduates of

Oxford or Cambridge had much to learn; but this he would say—that neither they nor the hon. Member would find anything in an officers' mess which they need fear to copy in their College halls; and he maintained that, whatever might be the relations between the officers and the members of the University, it would be rather to the advantage than to the detriment of the latter. The hon. Member spoke of ill effects as likely to be produced by carrying out the project; but perhaps the hon. Gentleman felt that the effects for evil were not likely to be very serious, and in that he quite agreed with him. More than that, he was sanguine enough to look forward to the time when in that august and mellowed sphere—the University—the advantages of the military depôt would be recognized; for, distinguished as Oxford society undoubtedly was, it would be none the less so for the introduction of an element a trifle more sparkling than those still, deep waters which were occasionally apt to be somewhat overpowering to ordinary mortals. For his part, he could not help thinking that they ought to be careful how they did anything, or recommended anything to be done, which would tend to render the relations between the city and the University less friendly than he rejoiced to know they now were. Time was when such was not the case, and he did not know anything more likely to unsettle the existing friendly spirit than that what one Secretary of State, who was Member for the City of Oxford, had from a sense of duty done, his successor in office, who chanced to be also Member for the University, should undo: thereby taking away an advantage which the citizens of Oxford had learnt to prize—in obedience to an University superstition which was fast passing away, even if it had not already entirely disappeared.

LORD RANDOLPH CHURCHILL hoped the House would not refuse to listen to a few words on this subject from the University point of view. Notwithstanding what had just been advanced, he could not but regard the proposal to form a military depôt at Oxford as a serious matter for the University of Oxford. It amounted to this—the turning of an ancient University into something resembling a modern garrison town—the mingling of learned Professors and thoughtful students with roystering sol-

diers and licentious camp followers, tending to the demoralizing its ancient institutions. He might be told that he was exaggerating the case, but he regarded the scheme as being at once novel and dangerous. It was all very well to talk about its being a mere military depôt, with a few stores, some 50 soldiers, and a powder magazine with a solitary sentinel walking round it—that would not be objected to; but a military depôt meant considerably more than that, for the exigencies of the service might turn Oxford into a great military centre. It meant, should occasion require, that some 3,000 or 4,000 men might be located there every year; and, in fact, he saw not the slightest reason why Oxford should not take the place of Aldershot. It should be borne in mind also that it would be a recruiting district. But it was said the city was in favour of the project; was the city, then, to be allowed to over-ride the University—the city which was favourable to any attempt to embarrass the University and to curtail its powers? That ought not to be, for the University of Oxford had made the City of Oxford. The City depended for its very existence upon the University, and while it could forget, it could not forgive, that fact. The argument of the right hon. Gentleman the Secretary of State for War came to this—that the reputation and the future of the University were to be sold for a sum of £52,000. But then the Universities of London, and Dublin, and Edinburgh were similarly circumstanced. So they were; but would anyone for a moment contend that the position of those Universities was analogous to that of the University of Oxford? Dublin was full of soldiers, from the notorious disaffection and insubordination of the Irish people; London was full of soldiers because it was the metropolis of the United Kingdom; and Edinburgh because it was the capital of Scotland. But the Universities of Oxford and Cambridge were founded before standing armies were known or garrison towns existed. He would perhaps be told that the objections of the University were frivolous and sentimental. He denied that they were. The Universities of Oxford and Cambridge had before now sacrificed themselves to advance the cause of constitutional freedom. They continued to send out men whose genius

and talent had advanced the fame of England, and they surely had a right to claim that their objections should be listened to, and not treated by the Legislature in a sorry manner, as being frivolous and sentimental. No one had spoken more powerfully in favour of sentiment—even if the objections could be regarded as sentimental—than the Prime Minister; and the right hon. Gentleman the Secretary of State for War could sympathize with a young Member who ventured to differ from him in expressing the sentiments of the University which he represented. He had endeavoured to express the opinions of the ablest and most experienced leaders, and of most of the thinking men of the University. They, on a former occasion, had boldly said that if they could prevent it, they would not have Oxford turned into a manufacturing town. When it was proposed to carry the main line of railway through the town, they protested against being over-run with railway roughs and navvies, and now they entertained decided objection to its being converted into a military station, crowded with its disorderly soldiers. What they wanted was that their quiet cloisters should be left undisturbed, and that Oxford should remain as it was, a University town, the greatest University city in the world.

SIR WILLIAM HARCOURT said, the House of Commons could not but welcome a new Member who had exhibited such ability as the noble Lord had just displayed. At the same time, the noble Lord must allow him (Sir William Harcourt) to express his regret that, bearing so great a name as he did, he should have spoken of roystering soldiers, and employed language such as he had used with reference to the British Army, with which that name was so inseparably associated. He was sorry, too, that the noble Lord, who had become a Member of that House by a majority all of whom did not belong to the upper classes, should have spoken of "railway roughs," and of the determination of the University authorities to exclude from Oxford all classes except those in whom they were personally interested. Passing, however, from that, and turning to the question before the House, he could not but think, to use a celebrated phrase, that the irony of the situation was complete. Since that comedy of opposing

this military centre at Oxford was performed on that very day last year, there had been a very important change in the dramatic cast of the performance. His hon. Friend the Member for the University of Cambridge appeared before them draped in the mantle left to him by Mr. Auberon Herbert, whose sentiments he had adopted, at least in this matter, for he (Sir William Harcourt) could not say he had adopted that gentleman's style. But that was not the only change which had come about. He could not help thinking, as he saw the change in the performers, that, to use a phrase which the right hon. Gentleman at the head of the Government had made classical, "a great deal had happened since that time." They had heard the right hon. Gentleman the senior Member for the University of Oxford answering his hon. Friend the junior Member for the University of Cambridge. But there was one other change which he could not but look upon with some interest. His hon. Friend had been also answered—and ably answered—by an hon. Member whom the House might welcome for his ability—the Conservative Member for the City of Oxford. Then, again, his hon. Friend the Member for the University of Cambridge had criticized by anticipation the speech of the Secretary for War. The suggestion that the Secretary of State was going to act, not as the Minister charged with the Imperial interests of the Army, but rather as the Member for the University, was a suggestion he would repudiate as much as his predecessor did the suggestion that he had sacrificed the interests of the Army and of the University to those of the City of Oxford. It was satisfactory to know that the Secretary of State had come to the same conclusion as his Predecessor. On retiring from office Lord Cardwell left the matter open, so as not to preclude his Successor from stopping the contract which was signed under the present Government.

MR. GATHORNE HARDY said, he had no Minute to that effect; all he knew was, that he found the matter was in progress when he came into office, and he declined to interfere with the vote of the House, and he acted on the principle that nothing more could be done until there had been another vote of the House.

Lord Randolph Churchill

SIR WILLIAM HARCOURT: But was not the contract signed by the present Government?

MR. GATHORNE HARDY: That is quite true.

SIR WILLIAM HARCOURT said, that verified what the hon. Member for Stirlingshire (Mr. Campbell-Bannerman) had informed him—that the contract was specially reserved, and was signed under the present Government, and therefore he was entitled to assume that both right hon. Gentlemen had arrived at the same conclusion. One of the great advantages of a change of Government was that the new Government, whatever language it might have held in Opposition, generally confirmed the policy of its predecessors. It was not always done in the same language; but substantially it had been done recently in respect of the Navy, and that was an instance connected with the Army. What was it the hon. Member for Cambridge University was afraid of? Was it the association of graduates and undergraduates with the officers of the British Army? As he was accused of chanting "Rule Britannia" and the "British Grenadiers," he could only hope that the United Service Club took the same view of his public performances. Had the hon. Member ever dined at a military mess? [**MR. BERESFORD HOPE:** Never.] He had no idea he was going to make so good a guess; but, as once-a-year he dined with his hon. Friend in hall at Trinity College, he would next year bring his hon. Friend into contact with some military officers, so that he might see they could behave themselves. They had nothing to lose in comparison with the best University society. Universities were open only half the year, and was it to be imagined students did not meet with military men at home and dine at military messes with their relatives? Whence came that terror of the military character? **Sydney Smith** said, *apropos* of the alarm of a Yorkshire mother at an heiress being carried off by a marching regiment, every mother ought to have a stuffed figure of a red coat, to accustom young ladies to the sight of it; and he would advise the introduction into schools of the stuffed figure of a soldier, to satisfy students that soldiers were not such formidable persons as they were held to be. Was it feared that the

non-commissioned officers would lower the moral tone of the scouts of Oxford? Was it feared that the private soldiers of the rank and file would lead those venerable vestals—the bedmakers—astray? Why, they had so far resisted superior attractions. If the argument was good for anything, it would justify the isolation of this military centre like a convict establishment on the top of Dartmoor, far removed from the pestilential influences of horses, of men, and of women. Here was a University, with 2,500 students, in the midst of a population of 40,000, and it was to be corrupted and destroyed by the introduction of 110 soldiers, with the occasional addition of the Militia. The military *cirrus* must be singular, indeed, if 110 soldiers could do more harm to the University than 40,000 people. Were these apprehensions well-founded? Eton, Dublin, Winchester, Edinburgh, and Westminster had soldiers located near them, but did not suffer in consequence. They had been told by the noble Lord the Member for Woodstock (Lord Randolph Churchill), that the Irish people were notoriously disaffected, and that Dublin was full of soldiers in consequence. That was not very prudent language to hold, especially in that House, and it might as well be said that the people of Edinburgh and other garrison towns were disaffected because they contained soldiers, and that the students in them were contaminated by the contact. That was not the first time that Oxford had been unnecessarily alarmed, for some 300 years ago she was terrified at the proposal to teach Greek within her walls; but she had survived that. What was the Committee to do? It was said that the character of the Secretary for War would come out of the inquiry untarnished. Well, it did not require rehabilitation. When the Battle of Dorking came, and hordes of barbarians threatened the Bodleian, it might be satisfactory to have 110 soldiers there. Really it was very difficult to treat the matter seriously, although if the Motion was carried, it would be a very serious matter. What would be thought in Prussia of a country which desired to have a scientific Army, holding that military men were not fit for the society of an University town? If they wished the profession of arms to be respected, that profession

must be treated as respectable; they must not have language coming from the Conservative benches such as they had heard that evening, when the British soldier was described as roystering and dissolute. He had never disparaged the profession of arms, and he was glad to think that the Army was gradually becoming more scientific than it had been. It was not the best way to get the best men into the Army to appoint a Committee to inquire whether soldiers were fit society. To put them in social quarantine, or treat them as Jewish lopers, who cried, "Unclean! Unclean!" lest anybody should approach them, as proposed to be done by the Motion, was not the way to advance recruiting, and would strikingly contrast with the manner in which Her Majesty always recognized their services. It was not denied that Oxford was the proper site on military grounds, and he asked the House, which yesterday rejected a Motion which appeared to cast an unmerited slur on a distinguished officer, to support both the Ministers of War in the course they had taken in the matter, and dispose in the same spirit of a Motion which, whatever its intention, would inflict an unjust stigma on a great profession.

Mr. CAMPBELL - BANNERMAN said, that having been alluded to by his hon. and learned Friend the Member for the City of Oxford (Sir William Harcourt), he wished to prevent misunderstanding, by explaining what had occurred. The preliminary negotiations had, of course, been entered into—the ground bought, and arrangements made for the supply of gas and water; but the contract for the building had not been signed or approved by the Treasury at the time his noble Friend (Lord Cardwell) quitted office. His noble Friend intentionally left it open in order that his Successor might not find the door absolutely shut against him, if he thought it proper to change the action of the Department; but he quite agreed with the right hon. Gentleman, that after all that had passed, including the Vote of last Session, it would have been difficult to retreat.

Mr. GATHORNE HARDY: The tenders had all been received.

Mr. CAMPBELL - BANNERMAN: But they had not been accepted.

Mr. MOWBRAY desired to recall the House to the real issue before it, but must, in passing, allude to the able speeches of his hon. Friend the junior Member for Oxford (Mr. Hall) and his noble Friend the Member for Woodstock (Lord Randolph Churchill), and congratulate them on the promise they had given of attaining great distinction in that House. For their education and training, the University of Oxford was entitled to claim credit. He was sorry the hon. and learned Member opposite (Sir William Harcourt) should have supposed that the noble Lord, the bearer of one of the most illustrious names in the British Army, could contemplate saying one word which would disparage either officer or soldier. The question before the House was, whether there was not cause for a re-consideration of the project, when a great national institution like the University of Oxford, training upwards of 4,000 of the flower of British youth, had, by a memorial from its Convocation, signed by all the Professors and others engaged in tuition and exhibiting a most extraordinary concurrence of opinion, deprecated the introduction of this non-academic element. He sympathized with the difficulty of his right hon. Colleague's position, and felt with him that he could not on his personal responsibility set aside his Predecessor's action; but now that the Secretary for War was no longer one of the Members for the City of Oxford, the University desired a re-consideration of the question by an impartial tribunal. No doubt, matters had progressed very far when the right hon. Gentleman came into office, but still the tenders had not been accepted, and it had been hoped that the matter would be referred to some impartial tribunal. Originally, Oxford was not selected on military grounds, and, in the Papers laid on the Table by Lord Cardwell in 1872, Aylesbury and Wycombe were suggested. When Prince Edward of Saxe Weimar was sent down to make an investigation, he reported on the various difficulties of making Oxford a military centre, and recommended a site a mile and a-half from Woodstock and six miles from Oxford as more eligible. There was fair ground, consequently, for inquiring whether the moral objections urged by the University outweighed the military reasons. The hon. and learned

Sir William Harcourt

Member had spoken of the impossibility of the Secretary of State for War altering these arrangements, but he (Mr. Mowbray) could recollect how, 10 years ago, the Dover contracts were disallowed, and he might remind the House that a remarkable speech was made in "another place" on the 27th of June last, by a Nobleman who was now a Secretary of State and a Member of the present Cabinet, in which he said—

"He believed that act of selecting Oxford as a military centre would not be respected by another Secretary of War, should there by any chance be a change of Government, and he for one should not deem himself precluded from asking the new Government to reverse the act of its predecessors. The University was, he thought, perfectly right in keeping the question open, and if any further opportunity should be afforded hereafter for obtaining a reversal of the policy from some future Minister of War, he wished it to be understood that he should not feel himself precluded from availing himself of it, by reason of his not taking further action under the existing Government."—[3 *Hansard*, ccxvi. 1491.]

The right hon. Gentleman who was now Secretary for War having adopted the decision of his Predecessor, his hon. Friend the Member for Cambridge University had justly lost no time in calling on the House to appoint a Committee impartially to consider this important question. It was clear that both the War Office and the City of Oxford were leagued against the University in the matter; but he hoped his hon. Friend would press his Motion to a division, if only to take the sense of the House.

Mr. M. BROOKS hoped the House would excuse him for interposing, as the Chief Magistrate of the City of Dublin; but he could not let the Debate close without entering his protest against the language which had fallen from the noble Lord the Member for Woodstock (Lord Randolph Churchill) relative to the City which he had the honour to represent. The noble Lord had uttered what he could not help regarding as an unfounded slander upon his constituents, when he said that a large Army was kept in Dublin, for the purpose of keeping down a disloyal and disaffected population.

COLONEL NORTH said, he must express his great regret that the subject had been re-opened. He had not voted on this question when it was before the

House last year, in deference to the opinion of many of his constituents; but he must protest against the manner in which the officers in the Army had been spoken of. One would really think, from what had been said during the debate, that a convict establishment, or a body of ticket-of-leave men were to be brought into the City of Oxford. He knew something of the officers of the Army, and also of the undergraduates of the University, and he could not help thinking that the more the undergraduates rubbed against British officers the more they would be improved.

Mr. BERESFORD HOPE begged to state he had not said one word against the officers of the Army. He spoke merely of the privates and camp followers.

COLONEL NORTH said, he could also speak for the private soldiers. There was no body of men who had served their country more faithfully than the private soldiers of the British Army. As to subalterns, the morals of the Universities of Oxford and Cambridge were he believed on a par with those of the officers of the Army, and they were much more likely to suffer by contact with undergraduates than the undergraduates by contact with them.

Mr. J. G. TALBOT said, as hitherto no one, except University Members, or those connected with the city, county, or University of Oxford, had yet spoken, he trusted he might be allowed to say a few words. He could not help thinking after the remarkable memorial addressed to the Secretary of State for War which had been laid before the House, containing the signatures of all the illustrious teachers of the University of Oxford, it was rather too much for the hon. and learned Member for the City of Oxford to say that it was difficult to treat this matter seriously. What did that memorial state? It said—

"We think that a University town has a national claim to be kept free from an unnecessary intrusion of a non-academic element, which those best qualified to judge believe to be injurious to its special work. We deprecate the too probable collision between military and academic discipline, and the introduction into a place where so large a number of young men are gathered together for education, not of the British Army, but of that undesirable population which, experience shows, is almost invariably attached to Military Centres."

He challenged hon. Members to say, by

their votes, whether they did not think that was a matter which they ought seriously to consider, for he thought that modest representation should receive attention. What they were asked to do was to appoint a Committee of that House to consider the very grave question now before them. It was unfortunate that personal matters had been introduced, but the facts that the late Secretary for War sat for the City of Oxford and that the present Secretary for War was one of the Members for the University of Oxford were commented on out-of-doors, and he thought the least that could be done was to appoint a Committee on the subject. In doing so the House was not asked to say whether Oxford ought to be a Military centre, but only to appoint a Committee to ascertain in what condition matters now stood, and whether the Government had any option. His wish was to see the question dealt with in a broad and national spirit, and in a manner befitting the respect due to so illustrious a body as the University of Oxford.

Mr. MELDON, as a graduate of Dublin University, said, he wished to protest against the sneers at that University contained in the speech of the noble Lord the Member for Woodstock. The sneer was quite unmerited. The graduates at Dublin whenever they had the opportunity were able to beat the graduates of Oxford in intellectual exercises, and they were most anxious to have an opportunity of trying their strength against Oxford in physical exercises as well. For some reason which was best understood by themselves, the graduates of Oxford had always declined the physical challenge; but both intellectually and physically, the graduates of Dublin were certain they could beat Oxford, and therefore the sneer against Dublin, not because it was a University, but because it was an Irish University, was quite unjustifiable. The hon. and learned Member for Oxford (Sir William Harcourt) had said that the cases of Dublin and Oxford were analogous. They were not. Oxford owed everything to her University, and therefore the opinions of the University on the subject under discussion ought to receive more consideration in that House. Dublin, on the contrary was the capital of Ireland, and as a city, far and away beyond Oxford, which, however, would not be raised in

the eyes of the nation by having 110 soldiers located within its boundaries.

MR. HENLEY said, he had heard no new fact or argument which had not been brought before the House last year, and why it should now be asked to re-open this question he could not understand. The House was now invited to go into Committee to see whether it could not find reasons to alter its former decision. If, however, the House once entered upon such a course of action, an infinitely greater evil than any inconvenience to the University would be incurred. If the House went on doing and undoing in that way, it would inflict a greater curse upon the country than could be compensated by any possible good that could result from the inquiry. He admitted the respect due to the University authorities who sent up the memorial. They were of opinion—and it was but an opinion—that some inconvenience would be felt with respect to the discipline of the University. He had himself expressed this opinion, but if the House entered upon this course of proceeding, it might be asked to re-establish the Irish Church. If it went on in this way, the coach of the Government would be very quickly upset. The matter was fairly brought before the last Parliament, and not only that House, but he believed the other House of Parliament, backed up the then Government in the decision that came to. For those reasons, he could not support the Motion.

MR. BUTT said, he wished that the University of Dublin had not been placed in a great capital, and if the University of Oxford, founded before the city which had grown up around it wished to be as free as possible from military influences, he sympathized with that feeling and should vote for the Motion.

Question put.

The House divided:—Ayes 170; Noes 71: Majority 99.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

Original Motion, by leave, *withdrawn*.

Committee deferred till *Monday 1st June*.

MAGISTRATES (IRELAND) AND COMMISSIONERS OF DUBLIN POLICE [ALLOWANCES].—COMMITTEE.

Considered in Committee.

(In the Committee.)

MR. McLAREN said, he could not allow the Resolution to pass without observation. An increased allowance of £26,000 was proposed last year. He had then the honour to propose that it should be reduced to £1,000, but the right hon. Gentleman the First Lord of the Admiralty (Mr. Hunt), spoke on the subject, and suggested that he should make the sum £14,000, which he did. The right hon. Gentleman at the head of the Local Government Board (Mr. Selator-Booth) also supported his proposal, and that was why he now spoke on the subject, for the former Government had undertaken that, during the present Session, they would bring forward a measure to provide that the people of Ireland should contribute their fair proportion of taxation for the police of the country. The Bill now before the House contained a clause which provided that the Commissioners of Police in Dublin were to be paid increased salaries. ["No, no!"] It provided that the Lord Lieutenant should fix the salaries at not less than they now were, and might fix them at as much more as he thought fit, getting the sanction of the Treasury before the increase came into operation. He could not think any individual was strong enough to resist the pressure of a locality, and he should therefore oppose that part of the Bill, giving such powers to the Lord Lieutenant. His chief objection was, that the City of Dublin received for more already from the Imperial Treasury than any town in Scotland or England; for it received £91,731 for its police—he was not speaking of the general constabulary of Ireland, but of the metropolitan police of the City of Dublin. Why should Dublin be placed in a different position from Manchester, Liverpool, and Glasgow? The whole of Scotland received from the Imperial Treasury less than the amount the City of Dublin received, for it received only £53,000. He thought that, under those circumstances, they ought not to increase the salaries of the Commissioners of the Police of Dublin at the expense of the Treasury. There were clauses in

the Bill, also, for increasing the salaries of the magistrates throughout Ireland, and to that he did not object; but what he objected to was Dublin being unduly favoured as compared with the other cities in the United Kingdom. From a Return which was laid on the Table a few days ago, it appeared that the annual value of the rateable property in Dublin—on which the income tax was levied—was only £481,000, or less than one-half of that of the city he had the honour to represent; the rental on which Edinburgh paid taxes being £1,250,000. Why should they be called upon in England and Scotland to pay what might be called an income tax for Irish purposes, while Dublin, like a spoiled child, had hardly to pay anything? Though the present Government was not technically called upon to carry out the pledges of the late Government with respect to this particular matter, he thought they should do so as an act of justice to the other parts of the United Kingdom.

SIR MICHAEL HICKS-BEACH said, he thought the hon. Member for Edinburgh would have acted with greater regard for the convenience of the House if he had raised his objection on the clause itself, when it came under consideration in Committee on the Bill. The Bill did not propose to fix what the salaries of the Dublin Commissioners of Police were to be, but only to abolish the statutable limits, and to allow the salaries to be fixed by the Lord Lieutenant. Only this year arrangements had been made by the Government for giving an increased grant for police to the cities and counties of England. Without going into figures on the subject, he would observe that the proportion of the charge now paid by the people of Dublin was nearly the same as that which the people of England would have to pay under this new arrangement, so that the reasons no longer existed which might formerly have been urged for a further payment being demanded from Dublin.

Moved, That it is expedient to make provision for the payment, out of moneys to be provided by Parliament, of the Superannuation and other Allowances that may become payable under any Act of the present Session for regulating the Salaries of Resident Magistrates in Ireland and of certain Officers of the Dublin Police.—(Sir Michael Hicks-Beach.)

MR. BUTT observed that if the City Corporation of Dublin had control of their police, there could not be any objection to their paying more for it. As it was, it was they, and not the Treasury, that were robbed in paying half the expense.

MR. DILLWYN objected to giving the Lord Lieutenant irresponsible powers in fixing the salaries of the Commissioners, as it would take the control of the payment away from the House.

SIR MICHAEL HICKS-BEACH said, that as the salaries would always appear on the Votes, the House would always have an opportunity of objecting to the salaries given when they were proposed in the Estimates.

Motion agreed to.

Resolution to be *reported upon Monday*
1st June.

HOMICIDE LAW AMENDMENT BILL.

Select Committee on the Homicide Law Amendment Bill *nominated*:—MR. SOLICITOR GENERAL, MR. BRISTOWE, MR. CHARLEY, MR. GEORGE CLIVE, MR. EVANS, MR. WALTER JAMES, SIR JOHN KENNAWAY, SIR COLMAN O'LOUGHLIN, MR. FLOYER, MR. WATKIN WILLIAMS, MR. SALT, SIR JOHN KARSLAKE, MR. LEIGH PEMBERTON, MR. GEORGE LEFEVRE, and MR. RUSSELL GURNEY:—Five to be the quorum.

House adjourned at half after Seven
o'clock, till Monday.
1st June.

HOUSE OF LORDS,

Monday, 1st June, 1874.

MINUTES.]—TOOK THE OATH—Several Lords.
PUBLIC BILLS.—*First Reading*—Infants Contracts * (80).

Second Reading—Customs and Inland Revenue * (78); India Councils * (79).

Third Reading—Real Property Limitation * (39); Land Titles and Transfer (73); Real Property Vendors and Purchasers (74), and *passed*.

LAND TITLES AND TRANSFER BILL.

(*The Lord Chancellor.*)

(Nos. 17, 40, 54, 73.) *THIRD READING.*

BILL PASSED.

The Queen's consent signified: Bill read 3^a (according to order).

THE LORD CHANCELLOR said, their Lordships would have observed that

several proposed Amendments stood in his name on the Paper. With but one exception, those Amendments were verbal and consequential upon Amendments made during the progress of the Bill. The exception to which he referred was an Amendment which he would propose in the 27th clause. It had been represented to him that in various parts of the country, and more particularly in centres of densely populated districts, transactions took place with respect to very minute portions of land, and he was informed that these sales and purchases were effected at very small expense to the parties. He had heard of dealings in which the whole cost of the transfer was only from £3 to £5. It was apprehended that in such cases the provision in regard to compulsory registration of title would impose costs which the transactions would scarcely bear. His impression was that the result of this Bill would be to reduce the expense of transfer even in very small cases; but as he was anxious to avoid any inconvenience that could be reasonably apprehended, he proposed to insert a separate paragraph in the 27th clause—

"This enactment shall not apply to any case where the consideration money does not exceed three hundred pounds, and if the sale be made subject to a rent as created at the sale, such rent shall, in reckoning the consideration under this section, be taken as equal to a gross sum of thirty times the amount of the rent."

Amendment made; Bill *passed*, and sent to the Commons.

ARMY AND MILITIA.

ADDRESS FOR RETURNS.

LORD SANDHURST, in moving that a humble Address be presented to Her Majesty for Returns relating to recruiting for the Army, calling out the Army Reserve, and the muster of the Militia regiments when so called out—said he had two objects in moving for these Returns. In the first place, he desired to elicit the information which these Returns should contain, and his second object was to raise a discussion—which he hoped would spread beyond the walls of the House—with regard to our military system in the important matter of the supply of men. Having said so much as to his objects, he begged at the outset to say that he had no desire to reflect upon anybody—either

upon the late Government or the Ministry now in office. But with regard to the subject to which he invited the attention of the House, he had thought it his duty to raise the question because there were certain considerations in connection with the supply of our Army with men which could hardly fail to cause apprehension—he would not say alarm—and which should give rise to the gravest reflections in the mind of every man who had to deal with the military establishments of the country, and who saw in what manner it was now supplied. What was the case? We were now committed to what was called “the short-service system;” that was to say, instead of a man being enlisted for unlimited service, he was now enlisted for a term of years, part only of which would be passed in the ranks of the Army. In what shape did these recruits reach the Army. They reached it at an age so youthful that they could not be called men. This was the case with a large number of them—they were not able to do the duty of soldiers. It took one or two years to give them the substance of manhood; and it was requisite they should be fed and paid by the State for those two years before they could stand in the ranks of British soldiers. That was a very serious matter, and the reason of it was very plain. During the days of the unlimited service system, but a small proportion of the men retired in each year, and we could therefore afford to have a certain number of young men in the ranks, who were as yet hardly capable of performing their duty; but their number was proportionately very small; but it was a very different thing when the whole of the men in the ranks, or a very large proportion of them, were bound to serve, not for a term of 21 years, but for six years only. It stood to reason that if they were to serve only for six years there must be at least one-third, perhaps one-half of our ranks made up of youths, who were not fit to carry a knapsack or to bear the fatigues of a campaign. That was the point which he wished to impress upon the House. Since his return home from India, and it had been his lot to be connected with the executive administration of the Army, the danger to which the country was exposed from this state of things had constantly presented itself to him in a concrete

form, and he felt that an effort ought to be made to direct the attention of the country to the fact that while they believed that their military system rested upon a solid basis the system was essentially weak in the points to which he had just directed their Lordships’ notice. And what was the case with the Reserves? In the Act of 1867—which was called the Army Reserve Act—power was given to enforce the attendance of the first-class Reserve, which was then created for the first time, and also the second-class Reserve for training. There was then some security that this Reserve Force was in the country, and that it would be forthcoming for service if required. In the Act of 1870, however, that point was abandoned, and the 19th section simply provided that the Secretary of State might from time to time make regulations for the training of persons serving in these Reserves. As he read the clause it did not contain a legislative direction, but conferred a discretionary authority on the Secretary of State, and there was the further limitation that he should interfere as little as possible with the ordinary pursuits of the men comprising those Reserves. Well, now, what had been the working of that clause? He could speak positively as to how it had worked in his own Command. Out of 450 men who were summoned in Ireland on account of reserve duty last year, to assist in the manoeuvres at the Curragh, only 50 answered to the invitation—that was to say only one in nine. He was not in a position to say what was the case in England in respect of such invitations; but he thought the experience of Ireland was enough to show that the power in the Act of 1870 was not sufficient to give real solidity and substance to the Army Reserve. There was another Reserve, called the Militia Reserve, which was also created by the Act of 1867. The provisions of the Act in this respect were very excellent, and had fully answered the purpose. By it the men were compelled to attend at the appointed places. It was no matter of invitation—but they were obliged to obey a military order under a legal sanction, or to suffer severe punishment if they disobeyed the summons. The consequence was that the Militia Reserve was a substantial one. In reference to the short time system, he wished to say he thought there was some

misapprehension and some misunderstanding with respect to its working in India. It was said that it was difficult to reconcile a short-service system with the military obligations that we owed to that country. If the life of a man were as secure in India as it was in this country—if the only thing to be considered in regard to India was distance, and if the climate there was as healthy as it was here—there would be force in the objection that it would be an extravagant and inexpedient mode of supplying the Indian Army by a system of short service; but under the existing conditions of climate, so far from short service being prejudicial to the Army in India it was quite the contrary. There was a considerable mortality there in every regiment each year. Within the last few years there had been a considerable change in the manner of transporting our troops to and from India. Now, instead of going round by the Cape, they travelled by the same route as their officers, and there was more invaliding home than there used to be; indeed the private soldier when ill had greater facilities for coming home invalided than were afforded to the officer. This was humane, and it was good policy also. Such, indeed, were the facts as to health in India that whether we had there a system of short service or a system of long service, the change in the constitution of regiments would still be the same. He recollected perfectly well that at the expiration of eight years of service in India the regiment with which he was connected had entirely changed—either from deaths, or invaliding, or discharge in the ordinary course of the service; and this showed that little difference would take place in the state of the Army in India under the short-service system from what took place under unlimited service. If we looked back at the history of the Army during the last seven years we should find that its constitution had been very greatly changed. The Act of 1867 had created the Militia Reserve and Army Reserve. The Act of 1869 gave power to place the Militia, when in training, under the command of General Officers, and also to attach officers of the Regular force to Militia regiments; and it abolished property qualification for Militia officers. The Army Enlistment Act of 1870, a very important one indeed, shortened

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the term of active service in the Army. Twelve years was the term of enlistment; but a portion of the time might be spent in the Army itself, and the residue in the first class of the Reserve Force, established by the Act of 1869. Next came the Army Regulation Act of 1871, the debates on which their Lordships no doubt remembered. The most important part of that Act was the portion which transferred to the Crown the jurisdiction formerly exercised by the Lieutenants of Counties in respect of the Auxiliary forces. Then came the Army Organization Act of 1872, which, though little more than a Money Bill, was important as showing the policy of the Government, and also as showing the intention of Parliament in respect to the executive development of the Army Regulation Act of 1871. Next came the Militia Service Act of 1873, which changed the terms of enlistment in the Militia. It was not difficult to see what the bearing of this Act was. The policy of the late Government, as he understood it, was to produce a reciprocity of good offices—if he might use the expression—between the Militia and the Line, which should ultimately tend to create greater concord between the two services, and thus add much to the safety and defence of the country. He believed that in adopting this policy the late Government had grasped the right principle. There had not yet been time for the object at which they aimed to be attained, but to secure it we should proceed in the course indicated by the Acts to which he had referred. The one idea running through those Acts was the idea of reciprocity between the Militia and the Line, and if that idea were fairly followed, he believed that we should ultimately be rescued from the apprehensions which came over our minds when we surveyed the state of our forces and the means by which they were supplied. If he asked what those means were, he should be told that there was the recruiting sergeant. Quite true the old plan of picking up the waifs of society had been adopted, but it could hardly be called a system. That which had been abandoned as unworthy of modern civilization by every other country in Europe still prevailed as the means of supply to the English Army, and it was yet said that its system rested on a solid basis. Another means was also

used, but it was only done fitfully. Recourse was had to the Militia regiments and volunteers were asked for, but this was not done with method or system. He, however, considered that we ought to look to the Militia as the fountain from which to draw the recruits for the Line, and that the original recruiting—if it were to be continued—should be for the Militia alone. He believed that there should be an organized system of supplying the Militia with recruits from the several counties; but having obtained these recruits for the Militia, we should call upon the Militia regiments every year to furnish such a number of volunteers as might be required to fill up the vacancies in the Line. He did not think that any difficulty would be experienced in carrying out such a scheme. He could refer to Ireland for proof of it. In Ireland, during the last three years, the number of recruits obtained in the open market for the Line was 3,266; during the same time the number of recruits obtained for the Militia was upwards of 27,000. That showed that a great difference was felt by the population in choosing between the Militia and the Line. But during those three years the Militia gave to the Line 2,300 men. That showed that notwithstanding this volunteering from the Militia to the Line had been done in a fitful and unsystematic manner, it was nevertheless found that a very considerable draft of recruits flowed from the Militia to the Line, and he believed that in that fact was indicated the course which we should pursue, only instead of its being done occasionally it ought to be done according to system. Inducement should be held out to the men to volunteer, and if it were done he had no doubt that we should have satisfactory results. The inducement might be offered in various ways. In the first place, a bounty might be offered to volunteers from the Militia to the Line; and in the next place we ought to consider seriously the question whether a considerable difference ought not to be made between the pay of militiamen and that of regular soldiers. He did not desire to advance any scheme which would increase the Estimates, but he did think that if it should be found necessary to re-consider the pay of the Army, it should be borne in mind that the linesman, who was required to go

anywhere and do everything, stood in the rank of a skilled artizan, and that there ought to be some difference in the amount of pay given to the skilled soldier and the half-trained militiaman. In all other trades and callings, a difference was made between unskilled labourers and skilled artizans, and these two classes were paid different rates of wages; but we found the same wages paid to the untrained militiaman and the skilled soldier. Different rates of pay to the privates prevailed in different branches of the Army. The trained artilleryman received higher pay than the ordinary soldier: a like difference existed in respect of the Cavalry, and in like manner the pay of the soldier in the Line should be higher than that of the militiaman. He thought this principle was well worthy of consideration in connection with the question of drawing supplies from the latter service for the former. Again, under the present system we had two recruiting sergeants abroad, one for the Militia and the other for the Line competing for the same raw material—and the result of their competition was to promote desertion and fraudulent enlistment. It had been suggested to him by a gallant friend that as to recruiting for the Line, it was expedient that the brigade dépôt should rather be a Militia institution than a Line institution, and he thought that it would follow as a natural consequence if the principle which he advocated should be adopted that a Militia training would have to be gone through. Another point had been suggested to him by a friend, and it was this. In many parts of England there were training ships for boys who were destined for the Navy, and it was considered that there might be with great advantage to the Army educational institutions which would, in fact, be the recruiting grounds for the Army. Whether that would be possible or not he could not pretend to say. It was a fact, however, that these training ships sent a great many of the very best lads into the Royal and mercantile services, though many of them came from the lowest part of the population, and from the same population they might train some very good soldiers. It was to the Militia that they must look for filling up the ranks of the Line, and for the Militia they should go to the great towns and their educational establishments. He

hoped he had been guilty of no irregularity in making these suggestions, but he had been led to do so in consequence of his belief that the subject which he had ventured to bring under their Lordships' notice was one of great importance.

Moved that an humble Address be presented to Her Majesty for,

Return of orders issued in 1874 having respect to the regulations for recruiting the Army: Also,

Return of any instructions or orders which may have been issued in the year 1873 for calling out the Army Reserve: Also,

Return of the numbers who answered to such call of such orders or instructions when issued: Also,

Return showing the number of absentees in the several Militia regiments in Great Britain and Ireland at the training of 1873; the state of each regiment in this respect to be separately stated.—(*The Lord Sandhurst.*)

THE EARL OF PEMBROKE said, that in these times of progress a hundred years might seem to have been a very long time for anything to last, and for that time at least, according to the noble and gallant Lord (Lord Sandhurst), our present system of recruiting had been in operation; but as the present Government had been so short a time in office they might be excused if they said they were not prepared with any scheme to supersede that system. The subject of supplying the Army with men was a very important and a very difficult one, and the War Department were collecting all the facts they thought likely to assist them in coming to a sound conclusion on the question. When these facts had been obtained the Government would give the subject the most careful consideration, but at present they could not bind themselves to the acceptance of any particular scheme. He hoped, however, that the noble and gallant Lord would allow him to make a suggestive criticism on one or two of the points in the speech which he had addressed to their Lordships. The noble and gallant Lord said that at present there were two recruiting sergeants at work, recruiting sergeants from the Army and recruiting sergeants from the Militia competing for the same class. Now, he (the Earl of Pembroke) ventured to say that there was very great good in that system. We never should be able to get recruits from any other class while our system was not one of compulsory service; but in fact there was no competition, for though

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the recruiting sergeants from two services drew their recruits from the same class, each drew from a different subdivision of that class. For the Militia men were obtained who had regular employment and who never would go into the Line, and for the Army men were got who had no regular employment and could not live on what was paid to a Militia man. That would be one great objection to passing all the men through the Militia. Under the present system many men volunteered from the Militia into the Line, and he did not see why that should not be encouraged. But there was mixed up in this matter a financial question, and if the present system should be altered as desired by the noble and gallant Lord, they would have to decrease the pay of the militiamen, or increase that of the linesmen, and he did not see at present how that could be done. Further, it appeared to him that, under such a system, while the Army was much increased, the Militia might be unduly increased. When the Returns moved for were laid on the Table their Lordships would see that the figures would show a favourable result. He need scarcely say that the Government had no objection to the Returns moved for by the noble and gallant Lord.

VISCOUNT CARDWELL: Your Lordships will, perhaps, expect me to say a few words after the constant references made to the late Government in the course of the able speech of the noble and gallant Lord (Lord Sandhurst); and I trust I may be allowed to commence by congratulating the noble Earl who represents the War Department in this House (the Earl of Pembroke), and expressing a hope that he may be entering on a long career which will be worthy of the name he bears. Well, now, my Lords, I am glad that I have no occasion to differ from the noble and gallant Lord in any of the principles he has laid down: indeed, the noble and gallant Lord, spoke in terms of general agreement with the policy of the late Government. With regard to his main proposal I quite sympathize with it, and I think I did my utmost—as the illustrious Duke on the cross-benches knows—to promote the best feeling between the Militia and the Line. But, my Lords, in these matters it is not what we would do; it is what we can do. We administer a volun-

tary system, while I believe I am not misrepresenting the feeling of the noble and gallant Lord when I say that he is in favour of the system which exists on the Continent—compulsory service. I think, however, that the time is far distant when the system will commend itself to the English people, or be sanctioned by your Lordships' House. As far as we could do so by voluntary means we proceeded in the direction advocated by the noble and gallant Lord. You can only get a tax-paying population to proceed gradually in such matters; they will not go into them with military ardour. The noble and gallant Lord thinks that by recruiting from the Militia we shall get men for the Army. I only hope that his expectations may be realized. In fact, already a great number of men do, of their own free will, pass from the Militia into the Line. In the year 1871-72, the number of men who passed from the Militia to the Line was 3,734, and in the year 1872-73, it was 4,312; but you cannot make them pass from the Militia to the Line, if they do not wish to do it. If you adopted the suggestion of the noble and gallant Lord, and made the Militia merely a recruiting medium for the Army, it would not be what it is now—a substantial, effective, and most valuable force for the country in case of danger. I should like to know how you would induce men to enter the Militia if they were told it was only a recruiting medium for the Army? To so convert the Militia would appear to me—to use a common expression—killing the goose which lays the golden eggs. Within the limits of possibility for the time attainable, we have made the Militia a means of recruiting the Army, but we have not carried that principle to the extent of destroying the Militia itself as an actual defensive force. When the noble and gallant Lord speaks of the large number of men who have joined the Militia within the last 12 months, and of the small body in comparison who have joined the ranks of the Army, does he not perceive that that very fact is an evidence unequal inducements were offered, when the choice between the two services was presented? It was because of the preference for the domestic force, and for spending a great part of life in agricultural and domestic pursuits, that the smaller number of recruits joined the Army. You cannot compel men to join

it; you can only offer them inducements to do so; and the inducements we have offered have produced their natural results. But the noble and gallant Lord has drawn a picture of the British Army which I venture to think is far too black, and which is not warranted by what it has done, and is doing at home and abroad. The Report of the Inspector General upon the Recruiting for the year has been laid upon your Lordships' Table, and does it appear from that there has been any difficulty in obtaining the requisite number of recruits? On the contrary, the Army was entirely full; the number of recruits obtained in 1873 was 17,000—about the same number as in 1868; the number was sufficient to keep up the Army to the establishment authorized by Parliament; but there really was no doubt that a larger number of men could have been obtained if the requirements of the service had called for them. The quality of the recruits is considered satisfactory, and the medical officers have in all cases reported themselves as satisfied with the general appearance of the men who have joined the several corps. There were 258 rejections made last year, and of this number, after further inquiry and examination, 117 were retained; so that only 141 recruits were lost to the service, which is less than 1 per cent of the total number of recruits for the year. Is it possible to say after this, that your Army consists of men whom you cannot trust, or that it is composed of waifs and strays? Waifs and strays they may be, but they are such waifs and strays as constituted the Army in the days of its glory. Some years ago, there was a Recruiting Commission, which recommended a great many changes, and such has been the improvement in our recruiting that all recruits are now sent by railway with tickets, but without escorts, to join their regiments, and the number of those who fail to make their appearance is really inconsiderable. It is impossible to say that waifs and strays of whom that is true are unworthy to enter the Army. The Report of the Inspector General of Recruiting concludes by remarking that not only is the recruiting for the British Army perfectly voluntary, but the standard for the Infantry—namely, 5 feet 5 inches—is considerably higher than in any other army of Europe, and that a slight reduction would considerably

increase the number of recruits that might be raised. It is not a fair expression to say that the recruits for our Army are the waifs and strays of the population. In view of these facts, I say it is not necessary to take any desponding view of the experience of this country in raising recruits for the Army. I believe we are the most military people on the face of the earth, and that there is among us a patriotic spirit which will, under the control of Parliament, always raise the requisite number of recruits for the Army. With respect to the present proposal, I cannot recommend that we should discontinue recruiting for the Army, and that we should pass all our recruits through the ranks of the Militia. I think such a course would disorganize the Militia, and it would not supply the Army. On the other hand, it is desirable that there should be the closest connection—the most intimate intercourse—between the Militia and the Army. If that were brought about, as by a system of natural selection, you should get into the Army the men who are likely to be a real addition to its strength. Those who, upon trial, find they have mistaken their calling, and that they had better remain in civil life, will fall back into the Reserve, and only be called upon to serve in case of emergency, but will periodically receive the training they require to fit them for taking part in the defence of their country. I quite agree with all the principles the noble and gallant Lord has advocated; but I think he is too sanguine in supposing that by merely recruiting for the Militia you could obtain a number of men who could in time be added to the Army, and thus obtain a sufficient force for the Regular service of the country. I believe that the tastes of the two classes constituting each are entirely different. One young man will have a great desire to go into the Regular Army; another will wish to spend his time principally in civil pursuits, but to be trained with the Militia when it is called out, and so become a source of strength and security to our common country. If you endeavour to confuse these two classes, and say to the people—"You shall not have access to the ranks of the Army, except through those of the Militia," I believe, as I have said, the result will be to disorganize the Militia without increasing the strength of your Army.

Viscount Cardwell

THE DUKE OF CAMBRIDGE: My Lords, I agree with my noble and gallant Friend who introduced this subject that it is a most difficult one to deal with; and every time I hear it further discussed I am more and more impressed with its difficulty. In this country conscription is impossible, and without it many things which are desirable in our military organization are unattainable unless you add largely to the military expenditure of the country. The secret of the whole matter is, we are obliged to go into the labour market—we must find out what induces men to come into the service; and that is the reason why I have often said that all these changes must be of a tentative character. Change in itself is a bad thing, because the prospect of it unsettles men's minds. It is singular how many men ask the recruiting sergeant pertinent questions as to their future prospects. They do not like liability to change, and they attach such importance to regulations as to clothing and to other minute details, that these seem greatly to influence their determination, and possibly to deter some men from joining the Army. Consequently, I say that all experiments ought to be tentative, and we ought to be guarded about making changes unless we are quite satisfied that what we are doing is really the readiest and cheapest way of obtaining the men we want. In regard to what was said by the noble Lord who spoke last (Viscount Cardwell), let me say that as regards numbers, no doubt, we are able to get as many recruits as we require; but, as regards their efficiency, I will explain to your Lordships my view. The change of short service for long has made a great difference, and has made many commanding officers dissatisfied with the state of their regiments. The reason is very obvious. I do not believe the recruits are at all different from what they have been in the past—they are from exactly the same class of men; but the number of recruits in a regiment is greater. When I entered the Army under the long service system there would be from 20 to 40 young recruits in a regiment, and they could be so disposed of in various duties—and if taken out to drill kept in the rear rank—that they were lost sight of, and the fact of their presence was scarcely known. Now, under short service, young men come in much more quickly; and, instead of 20

or 40, you have from 100 to 150 in a regiment, and they are not so easily disposed of. One way in which deterioration exhibits itself is this—the young men are sooner fatigued by carrying weights and marching long distances than the older soldiers used to be; but, of course, it was to be foreseen that short service would have this effect. Of course it is essential to the health of the men that they should not be sent to India until they are over 20, but the difficulty of obtaining recruits who are over 20 is not to be conceived. A man at 20 has made up his mind as to his future career; but a lad of 17 or 18 has not done so, and these are the men we have to recruit from the labour market. Besides, the men you do get generally at 20 are an inferior stamp of men, they are too often broken-down men; whereas a fresh lad of 18, if he get food enough, may become a strong man. The difference between conscription and voluntary enlistment presses exactly at that point. The disadvantages I have alluded to are very great, and they tell, as I have said, more on a voluntary service than on a service by conscription. Therefore I hope my noble Friend who spoke last will permit me to correct him on one point—the physical power of our regiments is less now than it was in former times; but that cannot be obviated, unless you go into the labour market and compete there with other employers of labour. There is another matter to which I will now refer, and that is the suggestion that we should have training schools for our Army on the same principle as we have training ships for our Navy. There is, however, this important difference between the two cases—in the Navy you can employ a large number of lads in the ships, but you cannot do so in the Army. If you take 4,000 or 5,000 boys into the Army you must displace 4,000 or 5,000 men, and though you may not give the boys the same pay as the full-grown soldier, still you will have their other expenses, and in the end the cost would not be very much less than if you were to pay as many full-grown soldiers. Of course, if you carry on the enlistment of your Army without regard to expense, the case will be very different, and you may obtain a very valuable force in the way suggested. In that way you would get excellent non-commissioned officers. One of our great

difficulties at present is to find good non-commissioned officers. Those we now have are most valuable men, but they go away as fast as you give them leave, and then you have only young men to put in their places, who have not the stability of the old non-commissioned officers we used to have in the long-service days. But if you enlist a certain proportion of the men for long service, you may perhaps be able to secure a supply of non-commissioned officers of a superior class. As to what has been said about the Militia and the Line, they have both been brought very closely together—and the more closely, in my opinion, the better for both. The noble and gallant Lord (Lord Sandhurst) has recommended that enlistment for the Militia should go on, while recruiting for the Army should cease. I do not think that system would be feasible in our Service. If you go into the market you will find a certain proportion of men who would never enlist as soldiers, but who are quite ready to join the Militia. I think, then, it would be a false step to take, not to keep up recruiting for both services. But certainly I do not see, if you could so arrange it, why men after six years' service in the British Army should not, by some means, be brought into relation with the Militia. That is a mere thought of my own, which I throw out for your Lordships' consideration, for I feel that the more suggestions are put forward on these matters the better may be the ultimate result. With regard to the Reserve, I quite feel the difficulty. If a man goes into the Reserve he probably has some trade, and if you interfere with him in the exercise of that trade, you will not get him to go into the Reserve. You must, therefore, treat him very cautiously, and tenderly, for if you call him out for drill very often, if he does not object himself, his employer will object for him. There is, therefore, a great difficulty in the way. Nobody has been more anxious to induce men in the Reserve to come out for training at the manœuvres than my noble Friend who last addressed your Lordships, but they have not responded to the call satisfactorily. You cannot expect to bring out your Reserves strongly very often; but I do think they should be obliged to undergo a course of training on the same principle as the Militia do.

The militiaman goes out for training for 28 days in every year, and every Reserve man who receives 4*d.* a-day pay ought to be brought out occasionally, and if we could only bring them out for a short time every two or three years, it would be an immense advantage to the Service and to the men themselves. We must be very tender in our dealings with the Militia; it is an old constitutional force—it is the second line of defence of the country—and nothing would be worse than to make commanding officers feel that they were mere recruiters for the Line. But, still, I think they would be willing to give us every assistance in their power. I do not think I am called upon to say anything more, but I feel sure that it is of great advantage that the subject which has been brought under your Lordships' notice should be thoroughly considered. At present our measures are tentative, and whether we have got the proper number of men the future must decide. I am told that the race is degenerating, but I deny it *in toto*. We have in the police throughout the country a fine body of men; they are of the class which used to come into the Guards and the Artillery; but we have great difficulty in getting this sort of men now. But, as I have said before, it is all a question of the labour-market.

THE DUKE OF BUCCLEUCH thought their Lordships were much indebted to the illustrious Duke for the expression of his opinion upon this important subject. He wished to say that, in his opinion, the plan enunciated by the noble and gallant Lord (Lord Sandhurst) would not work at all well. It would never do to convert the Militia into a mere recruiting body for the Line. If this were done it would be difficult to obtain commanding officers for the Militia, because they would naturally object to their men being taken away from them as soon as they were trained. The district of the Militia which he had the honour to command happened to be one of the largest recruiting grounds for the Army, and he had never heard of any difficulty arising in consequence. The recruiting sergeants had very quick eyes and very long ears, and as soon as they saw anyone who was about to join the Militia, they said to him—"Why join the sham; why not come into the real?" But somehow or other they found the militiaman's ears were quite as long as their

own, and he was quite sure that at least 75 per cent of the Militia in his district had not the slightest intention of joining the Army. There was another point which a recruit felt very sore upon, that was his liability of being drafted from one regiment into another. If he had joined the Army; he said, "What is the use of joining one regiment, when perhaps in a very short time I shall be drafted to some other one? We will go to any part of the world with our own regiment, but we refuse to join another." There was this to be said in favour of the present service system—that when the man was once enlisted, he did not look to be sent back into any trade—the Service was a trade, and therefore—especially if the man was a Scotchman—he looked forward to a soldier's life and a soldier's pay. The system of stoppages was a great detriment to enlistment. The first time a young recruit was told was that he would be stopped 1*d.* a-day until he had paid 18*s.* 6*d.*—namely, 10*s.* for "enrolment money," 5*s.* for "bringing out money," 2*s.* 6*d.* for the doctor, and 1*s.* for medical examination; whereas he himself received only 10*s.* on enlistment bounty, and the rest was paid to other persons. This he felt to be a grievance, and to avoid it enlisted fraudulent recruits. The recruit naturally objected to the stoppages. Another grievance was that when the men were enlisted for five years, the clothes served out to them would not last above five, and he knew some men who were ashamed to put on the miserable ragged out clothing of other men which was served out to them. Such things, he thought, these could easily be remedied, and their removal would tend very much to popularize the Service. He quite agreed that young men, after a couple of years of service, were much superior to others, but he did not think it would be possible to attempt a system of recruitment from the Militia. He was in favour of maintaining the Militia as a second independent line of defence.

THE MARQUESS OF LANSDOWN said, there was an almost complete unanimity of opinion on many of the principal points which had been discussed, and he had very little to add to what had been said by his noble Friend (the Earl of Cardwell). With regard to the question of recruiting, we had the

timony of the responsible officer at the War Office and of the present Secretary of State for War that recruits were forthcoming in sufficient numbers. As to their quality, their Lordships had the advantage of the opinion of the illustrious Duke on the cross-benches, who had explained the great difficulty of obtaining under a system of short service the necessary requisites in the recruits. But, however great that difficulty might be, the older men, who were regarded as the mainstay of the British Army, although they had ceased to serve under the colours, were still available in the Reserve. Nor must it be forgotten that it had always been intended that a fair proportion of the men serving in the ranks should be long and not short service men. In regard to the height of recruits, it was extremely important to bear in mind that our standard was considerably higher than that of any other European Army. If the standard were slightly reduced, recruits would come in in large numbers. With regard to a remark of the noble Duke who spoke last (the Duke of Buccleuch), he had to remind the House that the system of recruiting for the general service was instituted on the recommendation of the Royal Commission of 1866, and that a slight departure was made from that principle in consequence of a feeling which prevailed throughout the Army. It was true that a man who enlisted in a particular brigade objected to being transferred to another, but recent alterations would give to the recruit a security that his service would be continued in the brigade to which he gave his choice. With regard to the Reserve Force, the noble and gallant Lord had expressed an opinion that they would not be forthcoming when called out, but the fact was, in the cases referred to by the noble and gallant Lord, the Reserve men had not been "called out" under the terms of the statute, but merely invited as volunteers to take a part in the Autumn Manœuvres, and it was true that only a small number answered to the call. He thought that the powers given to the Government in this respect were capable of considerable improvement. As to the alteration in the term of service referred to by the noble Duke (the Duke of Buccleuch), the financial effects of the recent changes had been thoroughly investigated, and

he had been informed, on the best official authority, that those effects were, upon the whole, not unfavourable to the men, whose loss, by the substitution of six years for a five years' term, was fully compensated by the increase in their pay consequent upon the alteration in the system of stoppages.

THE MARQUESS OF HERTFORD said, he was glad to find that the present system was to be regarded as only tentative. He admitted that the recent regulations were a slight improvement on the previous ones, but he was nevertheless unable to see how it was possible to carry on a double system of enlistment in the same regiment. One man enlisted for long service and a pension, while another, perhaps from the same village, enlisted for short service and no prospect of a pension whatever. He hoped the proportions, at least, would be altered, and that there would be a majority in favour of long service instead of short service. He considered the noble and gallant Lord who had moved for these Returns had done good service to the Army by ventilating the subject, but he did not believe that the proposition of the noble and gallant Lord that enlistments should be made only through the Militia could be right. He believed that plan would entirely disorganize the Militia without doing any good to the Army.

VISCOUNT HARDINGE thought that without pension it would be almost impossible to get a necessary supply of soldiers—he was convinced they would have to be allowed in some shape or other. Pension was practically abolished in consequence of the large proportion of short service men enlisted—it was now no longer a right but a privilege, in spite of the understandings and of the communications which had taken place between the noble Lord and Lord Northbrook. The Inspector General stated in his last Report that he looked with the greatest apprehension to the consequences which might ensue in 1876 from the drafting of a large number of troops suddenly into the Reserve. He regretted to say that the first thing which the Secretary for War did on his accession to office was to extend the short-service system to the Cavalry and Artillery. Every cavalry officer would bear witness that after serving six years a trooper was in his prime—if that were

so, how much more did it apply to artillerymen, whose duties were so multifarious, and whose value in these times could not be over-stated. The proportions, too, for these arms were the same as for infantry, which required explanation, and which most military men would condemn. He was told that that step would cause numerous desertions from the Cavalry and Artillery. Nothing was so bad as the frequent changes that were made in the Army Regulations. Since the Army Regulation Act had been passed, every year witnessed some change—circulars and counter-circulars were being constantly issued. Nothing could be more injurious to the Service than these repeated changes. He hoped that the whole question of the organization of the Army would be reconsidered by the Government.

LORD STRATHNAIRN said, the late Secretary for War by a Memorandum abolished long service with pensions, and substituted short service without pensions. That he considered amounted to a breach of faith with the Army. He felt it his duty on many previous occasions thus to describe that step of the late Secretary for War. It would be ruinous to the Army. Nothing was more dangerous with regard to the class of men who composed the Army as to inspire fear that faith would be broken with them in respect of their pensions.

EARL GRANVILLE believed the noble and gallant Lord who had just spoken was under some misapprehension with reference to what had been done by his noble Friend the late Secretary for War.

VISCOUNT CARDWELL said, that the noble Lord was under an entire misapprehension in thinking that the War Office had departed from engagements in the matter to which he had referred.

THE DUKE OF RICHMOND: My Lords, I confess I heard with some astonishment the expressions which fell from my noble and gallant Friend (Lord Strathnairn), and which I cannot but think were somewhat of an exaggerated character. I regretted to hear him charge a Department of Government, or those who have been in high positions in the Department, with a breach of faith towards this House and towards the country. On former occasions it was my fortune, whether good or bad, to

differ often from the policy inaugurated by the noble Lord who now sits opposite (Viscount Cardwell); but I never found, in the manner in which he or the noble Lord who was Under Secretary for State, conducted the affairs of the country, the smallest tittle of ground for asserting that there was any breach of confidence or breach of faith. Some things that were done may have seemed to me very wrong or very foolish; but I am certain they were always done in a most straightforward and honest manner. So much as to the personal aspect which unhappily has been given to this discussion. With regard to the general question that has been brought under the consideration of your Lordships, it appears to me that there is a misapprehension as to the conduct of Her Majesty's Government in reference to it. Some persons seem to imagine that the first thing the new Secretary of State for War ought to do is to upset everything which he finds his predecessor has established, and to inaugurate a new system. My right hon. Friend the Secretary of State for War received the seals of his Office, I think, on the 21st of February; and in the three short months which have since elapsed he could not possibly have acquired all the information necessary to enable him to deal with so vast a question as the entire system of recruiting and the re-organization of the whole Army. I do not say that changes may not have to be made. The illustrious Duke at the head of the Army has pointed out—what I think is admitted—that the present system of recruiting is a tentative system, and that if short service without pension is found to be unsuccessful, we shall have to resort to longer service with pension. But I wish to leave my right hon. Friend the Secretary of State for War perfectly free in the matter, and I would deprecate the notion that he ought to seek to undo what his Predecessor has done, without having first of all acquired the knowledge necessary to enable him to act with judgment, and without being prepared to propose a system which he can conscientiously say he believes to be the best suited for the country. I do not propose to go into the various points which have been raised by the noble and gallant Lord who brought forward the subject. I confess that some of them

Viscount Hardinge

ared to me to be rather of a theoretician of a practical character. No it, however, the subject is well worthy of our attention, and the Returns which the noble and gallant Lord moved will, to a certain extent, give information where it is needed.

Motion agreed to.

INFANTS CONTRACTS BILL [H.L.]

A Bill to amend the Law as to the Contracts of Infants—Was presented by The Lord BRIDGES; read 1st. (No. 80.)

House adjourned at half past Seven o'clock, 'till To-morrow, half past Four o'clock.

HOUSE OF COMMONS,

Monday, 1st June, 1874.

MINUTES.]—NEW MEMBER SWORN—Hon. Antony Evelyn Melbourne Ashley, for Poole.

SELECT COMMITTEE—Special Report—Explosive Substances.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—Ordered—First Reading—Payment of Revising Barristers * [127]; Sanitary Laws Amendment * [128].

First Reading—Courts (Straits Settlements) * [126].

Committee—Juries [18]—R.R.; Municipal Privileges (Ireland) (re-romm.) [119]—R.R.

Committee—Report—Magistrates (Ireland) and Commissioners of Dublin Police Salaries * [117]; Revenue Officers Disabilities * [15]; Fines, Fees, and Penalties * [59].

Third Reading—Marriages Legalization (St. John the Evangelist's Chapel in the Parish of Shustock) * [101]; Holyhead Old Harbour Road * [51].

GALWAY BOROUGH ELECTION.

Mr. O'DONNELL appeared at the Bar of this House, and claimed to make a statement to the House, before the Certificate and Report from the Judge selected pursuant to the Parliamentary Elections Act, for the trial of the Galway Borough Election Petition, was read to the House.

Whereupon Mr. SPEAKER informed Mr. O'DONNELL, that he had already received the Judge's Certificate and Report relative to the Election for the Borough of Galway, from which it appeared that the honourable Gentleman was disqualified from sitting in this House, and that he therefore was not entitled to be heard:—

And Mr. O'DONNELL withdrew accordingly.

CONTROVERTED ELECTIONS — DURHAM — BOLTON — GALWAY — WIGTON DISTRICT OF BURGHES.

Mr. SPEAKER informed the House, that he had received from the Judges selected for the Trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, Certificates and Reports relating to the Elections for the City of Durham; for the Borough of Bolton; for the Borough of Galway; and the Certificate, Report, and Judgment upon a Special Case relating to the Election for the Wigton District of Burghs. And the same were severally read to the effect following:—

Durham City Election.—Mr. Baron Brunwell reported "that Messrs. John Henderson and Thomas Charles Thompson were not, nor was either of them, duly elected. That no corrupt practice has been proved to have been committed with the knowledge and consent of any Candidate at such Election."

Bolton Election.—Mr. Justice Mellor reported "that John Kynaston Cross, esquire, had been duly elected and returned."

Galway Election.—Mr. Justice Lawson reported—

"1. That Francis Hugh O'Donnell, whose Return and Election was complained of, was not duly returned and elected.

"2. That the last Election for the said Borough was void.

"And, in compliance with the directions of the Parliamentary Elections Act, 1868, Sect. 11, Article 14, I report—

"That it was proved before me that, previous to and in anticipation of the day of polling, a system of intimidation was organised by the said Francis Hugh O'Donnell and his agents, by threats and mob violence, to unduly influence the voters; and that such system was, on the day of polling, carried out with the knowledge and consent of the said Francis Hugh O'Donnell; and the said Election, in consequence of such intimidation and undue influence, was rendered void.

"And I further report that the said Francis Hugh O'Donnell, the Revd. Peter Dooley, Roman Catholic Vicar General, and the Revd. Martin Comyns, Roman Catholic Curate, were proved at the trial to have been guilty of the corrupt practice of intimidation and undue influence.

"And I further report that it appeared in evidence before me that a great number of the voters of the said Borough were illiterate persons, and voting as such under the Ballot Act, and many of them unable to understand the English language, and that they were and are peculiarly liable to be coerced and unduly influenced. And I am of opinion, and do accordingly report, that the corrupt practice of undue influence has extensively prevailed in the said Borough at the Election to which the Petition relates."

Wigton District of Burghs.—Lord Ormrod reported "that Mark John Stewart, esquire was not duly elected or returned as Member of Parliament for the said Wigton District Burghs, and that his Election and Return was and are wholly null and void; but that the Right Honourable George Young was a

elected, and ought to have been returned, as Member of Parliament for the said Wigton District of Burghs."

IRELAND—DUBLIN UNIVERSITY—ANNUAL BALANCE SHEETS AND AUDIT.
QUESTION.

MR. ERRINGTON asked the Chief Secretary for Ireland, Whether the Recommendation, No. 22, in the Report of the Dublin University Commission, 1853, that—

"The auditor of the College should be appointed by the Visitors, and that an audited balance sheet and statement of the income and expenditure of the College should be published annually,"

has ever been carried out; and, if so, whether there is any objection to have the annual balance sheets and statements of income and expenditure from the date of the Commission to the present time laid before the House?

SIR MICHAEL HICKS-BEACH, in reply, said, the Recommendation alluded to was accepted in a modified form by the Crown, and was included in Her Majesty's Letter of the 8th year of Her reign. The auditor, who was formerly appointed by the Provost and Senior Fellows, was now appointed subject to the approval of the visitors. He knew of no objection to producing the Papers excepting their voluminous character and the time that would be occupied in their preparation. Perhaps the hon. Member would communicate with him privately on the subject.

IRELAND—LICENSING ACT (1872).
QUESTION.

MR. MOORE asked the Chief Secretary for Ireland, Whether it is true the Constabulary in Ireland have received orders from their officers forbidding them to carry out the provisions afforded by the Licensing Act, 1872, against adulteration of liquor; and, if such be the case, to ask the reason for such order?

SIR MICHAEL HICKS-BEACH, in reply, said, he was informed by the Inspector General of Irish Constabulary that he had issued no orders of the kind referred to, and he was not aware that any such orders had been issued. He had communicated with the County

Inspectors on the subject, but had not yet received their Report.

MONASTIC AND CONVENTUAL INSTITUTIONS—RETURN FROM FOREIGN COUNTRIES.—QUESTION.

SIR GEORGE BOWYER said, seeing the hon. Member for North Warwickshire in his place, he wished to ask him a Question. The hon. Member had moved for a Return from Foreign Countries on Monastic Institutions which the Government had consented to give on certain conditions. Having regard to this Return, he wished to ask, whether the hon. Member intends to proceed with his Bill to-morrow night on the same subject?

MR. NEWDEGATE, in reply, said, that it was not his fault that the information respecting the Laws relating to Monastic and Conventual Institutions was not already in the hands of Members. Inasmuch as the Monastic and Conventual Bill was for inquiry, nothing could be more appropriate than that the Commissioners to be appointed under the Bill should consider the substance of the information which would be furnished by the Returns to which the hon. Baronet referred. He should certainly proceed with the Bill to-morrow.

PARLIAMENT—PRIVILEGE.

EXPLOSIVE SUBSTANCES COMMITTEE.

SPECIAL REPORT.

Order read for Attendance of Mr. R. S. France.

MR. FORSYTH: Sir, Mr. France is one of my constituents, and he has placed in my hands a statement which is rather long, but which he wishes me to read to the House.

MR. SPEAKER: Before the hon. Member proceeds, I must put to the House the Motion that Mr. France be called in.

Motion made, and Question proposed, "That Mr. R. S. France be called in."
—(*Sir John Hay*).

Whereupon Mr. FORSYTH read the statement accordingly, wherein were the following words—

"But if in that Letter I made use of any term stronger than is allowed by the rules of this Honorable House, I most readily withdraw

never intended to reflect, in any way, the House of Commons, nor upon the of the Chairman of the Committee, and we most cheerfully apologise if it is concluded that I have done so, and withdraw the motion."

FORSYTH: Sir, having read statement, which is much longer I could have wished, I have only to state that Mr. France is a quarry proprietor. He considers it to have suffered from the course of the Committee, and through intervention of Professor Abel, and makes various charges against that man, which, however, have nothing to do with the question before the House. He withdraws and apologises by expressions in his letter—those expressions which the House has most fully taken notice of, and which I do not justify—which may have violated the Privileges of this House, or rested on my right hon. Friend the Chairman of the Committee on Explosive Substances. I do not think he can do more, and I trust that under the circumstances the House will not find it necessary to call him to the Bar. I therefore, as an Amendment, move the Order for Mr. France's attendance be discharged.

hon. Member seconding the Amendment—

DISRAELI: It appears to me, in this case, as far as the House is concerned, is a very simple one. A statement made by the Chairman of one of our Committees, the House has unanimously resolved that Mr. France should appear before you, Sir, to-day. Mr. France has not appeared, and the House ought to express its sense of the omission on his part. He has, instead of doing here, sent an apology for expressions which were considered by this House as offensive, and respecting them they demanded an explanation, giving him an opportunity of making an explanation personally. By the time he has seen fit to take, Mr. France has, in my opinion, aggravated his omission. I, therefore, Sir, think it is our duty to insist upon Mr. France appearing at the Bar.

FORSYTH: I rise, Sir, to explain. Mr. France is here, and has been here from the first, and perfectly ready to appear; but he was told that

if he sent in the statement which I have read, it would be in conformity with the Rules of the House, and therefore it would not be necessary for him to appear in person.

MR. SPEAKER: The Question is that Mr. France be called in.

Question put, and *agreed to*.

MR. R. S. FRANCE was then called.

MR. FRANCE being at the Bar,

MR. SPEAKER: Richard Samuel France, are you the writer of a letter dated the 20th May last, addressed to Sir John Dalrymple Hay, a Member of this House, and the Chairman of a Select Committee inquiring into Explosive Substances?

MR. R. S. FRANCE: Yes, Sir.

MR. SPEAKER: Did you send copies of that letter to Members of the House of Commons serving on that Committee?

MR. R. S. FRANCE: I did.

MR. SPEAKER: Have you any explanation to offer with reference to that letter?

MR. R. S. FRANCE: All the explanations I have to offer are contained in the statement I have prepared, and which I believe has been read to the House.

MR. SPEAKER: Have you anything to add to it?

MR. R. S. FRANCE: No, Sir. If the whole of my statement has been read, I have nothing to add to it, except that if I have used any terms stronger than are allowed by the House, or if I have at all seemed to reflect upon the honourable Chairman, or upon any Member of the Committee, or of the House, I shall be most happy to withdraw them. No intention to use such terms or to make such reflections crossed my mind at the time I wrote the letter.

MR. SPEAKER: If no hon. Member wishes to put further questions to Mr. France, the proposal I have to put is that Mr. France do now withdraw.

Question *agreed to*: **MR. FRANCE** was accordingly directed to *withdraw*.

MR. DISRAELI: Sir, I have waited because I thought it probable that some one of the hon. Members more directly interested than I am would have made a proposal to the House. I have myself listened impartially to what has been said, and with no previous knowledge of the facts, and I must say it appears to me that on the whole the conduct of Mr.

France has not been satisfactory; and though this House is always ready to act on a merciful and even generous view of questions such as this which is now before us, it appears to me that this matter would not conclude in a satisfactory manner unless Mr. France is admonished by the Speaker for his conduct. I move, therefore, that Mr. France be again summoned, and that you, Sir, admonish him.

Ordered, That Mr. R. S. France be called to the Bar of this House, and there admonished by Mr. Speaker for having written and circulated the said Letter, in breach of the Privileges of this House.

Mr. FRANCE having been accordingly called in, was admonished by Mr. Speaker as follows—

“Mr. R. S. France, the House has had under its consideration a Letter addressed by you to Sir John Hay, the Chairman of a Committee of this House. In that Letter you directly impute to him, in his capacity as Member of this House, and as Chairman of the Select Committee, unfair conduct; and you indirectly impute similar unfair conduct to every Member of the Committee of which he was Chairman. In so doing you have committed a breach of the privileges of this House, an offence which this House will ever be prompt to punish in vindication and in defence of its just rights and privileges. The House has heard an explanation given by you with regard to the writing of that Letter. That explanation is not wholly satisfactory to this House; but this House is willing to accept those portions of that explanation which contain an apology for the language you have used directed against the privileges of this House; and this House is not unwilling that the matter should go no further. I am therefore directed, as their Speaker, to admonish you as to your future conduct, trusting that this admonition will prevent the recurrence of such conduct on your part.”

And then Mr. R. S. FRANCE withdrew.

MR. DISRAELI: I move, Sir, that these proceedings be entered on our Journals.

MR. WHITWELL wished to ask whether the whole of the Letter which had been read by the hon. and learned Member for

Marlyebone, and which contained grave charges against certain Government officials, was to be entered in the Journals of the House? To place these charges on the Journals of the House would be giving them a position which might be likely on some future occasion to injure the character of the Gentlemen to whom the allusions had been made.

MR. SPEAKER: The letter which has been read must be regarded as a part of the statement made by Mr. France, and I apprehend that, under these circumstances, the material part, which contains Mr. France's withdrawal of the expressions which were offensive to the House, must certainly appear upon the Journals of the House.

Motion agreed to.

Ordered, *Nemine Contradicente*, That what has been now said by Mr. Speaker, in admonishing R. S. France, be entered in the Journals of this House.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair.”

ARMY—REMOVAL OF MILITARY OFFICERS.

MOTION FOR AN ADDRESS.

MR. W. M. TORRENS, in rising to move, That an Humble Address be presented to Her Majesty, praying that, before Her Royal sanction in time of peace is asked for the permanent removal from active service of any Officer who shall have held a Commission in the Army for three years, Her Majesty may be graciously pleased to direct that an option may be given him of having his case heard and adjudicated upon by Court Martial, said, he thought that now, when they were in the midsummer of Conservative repose, such a question as that might be advantageously dealt with. A just and jealous care for the position of officers in the Army was the duty of Parliament and their due. The nation was ready to bear the charge of a great and splendid Army, and to confide its ordering and discipline to the responsible Ministers of the Crown; but it could not afford to pay £15,000,000 a year for an Army, however numerous

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and well appointed, unless it was assured that its officers were contented with the manner in which they were ruled. He wished it, however, to be distinctly understood that he did not in any way question the right of the Commander-in-Chief or the Secretary of State for War to remove any officer. What he wanted the House to consider was the way in which this should be done. Where there was sufficient cause, neither House of Parliament had ever hesitated to tender its advice, with loyal deference to the Crown, as to the method by which the Royal functions should be used with most honour and advantage, and even to suggest respectfully the discriminating limits within which they were least likely to be abused. When the only regular Force in the Kingdom consisted of a few regiments and squadrons raised, equipped and paid by the Crown, it was natural that commissions should be held at pleasure, and should be terminable at will; but on the establishment of Constitutional government, Parliament had undertaken to pay, to arm, and to provision the troops, and a Royal guard was exchanged for a National Army. In truth, this was an old controversy, which had originated at the time the first Mutiny Bill was passed. And it must not be imagined that what he had to propose was any new or theoretic thing. The ways and habits of authority changed from time to time, like the uniforms and arms of our troops; but the love of unlimited power never died, and the business of Parliament was to observe its mutations, and prevent authority, in new forms, from being misused. The power of the Crown to remove officers from its service, no one was at present prepared to dispute; and from him the House would hear no word questioning the legality, and impugning the validity of this Prerogative. What he had to say related entirely to the mode in which that power had hitherto been exercised, and the precautions Parliament might counsel the Sovereign to take for its legitimate exercise in future. As times and circumstances changed, the exercise of Prerogative must either be adapted or abandoned. When they made themselves responsible for the cost, discipline, and efficiency of the public force, they left its disposition and command to the King; but they kept the control of the money in their own hands

by the annual Estimates, and the definition of military offences and punishments in their own hands by the annual Mutiny Bill. The terms of the Act, and the nature of the offences cognizable under it, were not easily settled by Parliament to its mind. In the brief statute, passed to quell the mutiny at Ipswich in 1689, certain powers were given to enforce discipline and obedience; but even in that day of haste and misgiving, Parliament took care, in the Preamble, to remind the new Executive—

“That no man may be prejudged of life or limb, or subjected to any kind of punishment—by martial law or in any other manner—than by the judgment of his Peers, and according to the known laws of the Realm.”

The difficulty of that troubled period was to get officers and soldiers; and, when they were got, to keep them in order. Parliament provided for the actual need, and did not stop to guard against unseen contingencies; it declared that every man, officer or soldier, should be punishable in any sort only after public trial, and the judgment of sworn Judges; it left many things unspecified which the Executive might do—amongst the rest, the power of removal and dismissal. For the moment, perhaps, it never occurred to Peer or Commoner that a Stadtholder King, with war abroad, and civil strife at home, would throw away the sword of any officer, if he could keep it. They would as soon have thought of forbidding the captain of a ship on fire to throw one of the pumps overboard. The whole history of our Legislature, as of our law, had been made up, precept upon precept, and line upon line, as practical need required—here a little and there a little. But we should not forget whence the ground plan of a constitutional army was furnished, and how it came to be adopted. There were no words in the first Mutiny Act to prevent dismissal of an officer without legal cause, but in its spirit there was much, and in the circumstances of the time there was more. Flatterers in office told the grandson of Charles, the son-in-law of James, that by Prerogative he could remove anyone he would, but William had not forgotten the teachings of De Witt. He felt that if he could not keep his English Crown by the confidence of Englishmen in his justice, he would not keep it

through their fears. And when called upon to dismiss an officer who had offended one of his Ministers, he quietly laid down the pen of right-divine, saying—"I suppose the Gentleman voted according to what appeared to him just and right at the time; he is a brave and good officer, and one who has always done his duty in his military capacity, and I will not remove him from his command for a political cause." Throughout his reign Parliament evinced its readiness and asserted its privilege to watch over the interests of the Army, and to advise the Crown upon the subject. In 1695 an Address was presented to the King, setting forth the pecuniary grievances of subaltern officers who were oppressed and impoverished by their superiors in command—

"Notwithstanding they had a greater pay than was given in any other part of the world they were yet reduced to inconveniences and extremities which ought not to be put upon those who venture their lives for the honour and safety of the nation;" and the Commons represented their "confidence that these would be remedied by His Majesty's justice and wisdom."

William replied, "That he would take all possible care to have the grievances redressed." And he named accordingly a Commission to hear complaints and report to him. He was a statesman as well as a soldier, a philosopher as well as a King, and so it came to pass, that, after a life of storm and battle, he died in his bed at Kensington. The first Sovereign of the House of Hanover had certainly as much need of discipline in the troops a jealous Parliament allowed him, as any Prince who ever occupied the Throne. Unread in the literature, and inapt in the language of his people; with a rival claimant of his Crown, born in the purple, and backed by the still unbroken power of France, the founder of the present dynasty had need of all the unity of action and all the decision of authority he could command; but he was fortunate in having Ministers at the most critical junctures of his reign capable of appreciating alike his personal interest, and that of the nation. Stanhope, then a soldier of distinction, and a politician of the highest promise, framed and carried more than one important measure while in power. A Bill was prepared by him, adopted by his Colleagues, and approved by George I., "for the securing the Constitution by preventing the officers of the

land forces allowed by Parliament from being deprived of their commissions otherwise than by Court-Martial." The Bill provided—

"1. That no Colonel or officer of lower rank shall be removed or discharged from his commission, or be deprived of the pay belonging to the same, in any other manner than is hereafter prescribed, any usage to the contrary notwithstanding. 2. That in case of any breach of duty or misbehaviour, he shall be tried by Court-Martial. 3. That nothing herein is to prevent reduction of troops or regiments;"

The 4th clause authorized removal without trial of any officer upon an Address from either House of Legislature. Before the Bill was brought forward its gifted author was struck down by a mysterious fate within the very walls of Parliament. Less patriotic men succeeded him, and under the corrupt and enslaving influence of Walpole, the condition of the Army sunk to perhaps the lowest point of inefficiency and subservency of which we have any record. Officers were often dismissed without trial avowedly for no other reason than because they held opinions inimical to the party in power. General Wade and others stated in their places that they had been warned at their peril not to vote with the Opposition, and many excused themselves from taking part in military questions upon the ground that they did not choose to compromise themselves with the heads of their department. At length the Minister thought fit to dismiss the Duke of Bolton and Lord Cobham, confessedly for no other cause than their opposition to Government. Independent men of influence, both Whig and Tory, looked round for weapons of resistance to the overweening insolence of the Executive. Mr. Pulteney in one House, and Lord Carteret in the other, undertook to lead an attack upon the system; and the Bill drawn by Stanhope in the previous reign was furnished them by his kinsman, Chesterfield, and in 1734 it was brought in by the Duke of Marlborough. What purported to be a copy was given in the Parliamentary History; but lest any doubt should be raised as to its accuracy, he had obtained leave to have a search made among the records of the House of Lords, and he was indebted to the courtesy of the keeper of their Lordships' archives for permission to have a perfect transcript made, which he then held in his hand. An interesting de-

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late arose upon the second reading, in which several of the foremost politicians of the time took part, and in the course of which Lord Chesterfield made the best and most brilliant speech he ever delivered. When the measure was debated through the influence of Government, a protest in strong terms was given by upwards of 30 Peers. A Motion to the same effect was made in the Commons by Lord Morpeth, but the power of Sir Robert Walpole was invincible, and the attempt to give protection to officers against capricious and unjust removal failed. He (Mr. Torrens) stated, with all respect to the Crown, that he believed that when Prerogatives had become out of date, it was the duty as well as the privilege of Parliament to endeavour to adapt them to the altered circumstances of the time, lest, leaving them unamended, they might some day have to be abandoned altogether. They all knew that in former days the power of removal had been seriously abused, and that officers had declared in that House, that they had been warned by the Government of the day not to vote on military subjects, as if they did they would hazard the withdrawal of their commissions. Those abuses had passed away, but other abuses far more general and common had arisen in later days. During the administration of the War Department by Lord Castlereagh, and subsequently during his Leadership of that House, dismissals without trial were frequent, and the irritation thereby occasioned gave rise to more than one unsuccessful protest by Members of the Opposition. On 7th March, 1815, Lord Proby moved a clause in Committee on the Mutiny Bill, preventing dismissal of officers without previous inquiry by Court-Martial. He stated that in Austria and Russia no such practice existed. Lord Palmerston, Secretary at War, opposed the Motion because no sufficient case of grievance had been made out, and no abuse of the discretionary power vested in the Crown. But Mr. Tierney, in supporting the proposition, said—

“On sound constitutional principles it merited his assistance. The decision of the House in 1734 only showed that Sir Robert Walpole's House of Commons approved of their patron's conduct. By the present practice the character of an officer might be whispered away, and no reason given, but the caprice of power, for depriving him both of that and of his commission.”

The renewal of the war against Napoleon led soon afterwards to a vast augmentation of the Army, and during the same Session a similar Motion was made by Mr. Bennett, ending, as before, in rejection. Waterloo stifled all criticism of military organization for a time; and the arbitrary practice continued without check, limitation, or control. It reached its climax in 1821, when a General Officer of heroic fame, who had served his country nine-and-twenty years, was, on the demand of the Home Secretary, summarily dismissed from the Army. Political passions ran high; discontent and distress prevailed, and the Government had become odious by their baffled prosecution of the Queen. In the tumult that occurred at her funeral the soldiers came into collision with the populace, and to prevent senseless and shameful carnage, Sir Robert Wilson, happening to come up at the moment, forgot his sense of discipline in his pity for an unarmed crowd, and implored the Guards to desist from firing. Without the semblance of a legal investigation, he was forthwith gazetted out of the Army. In vain he asked for a Court-Martial. In vain he cited the opinion of the twelve Judges, in the case of Lord George Sackville, who had had that opportunity of defending himself after dismissal. He was too conspicuous an opponent to be spared; and, officially, he got no quarter. In his place he appealed to Parliament against the injustice of dismissal without trial. Fifty years have come and gone since then, and we could look dispassionately at the case, as few men in that troubled time could do. In the angry discussion which ensued, scarcely a word was said on either side about the General's impulsive act. The whole of the controversy turned upon the question whether a gallant and generous man should be stripped of his rank, reduced to penury, and branded with military disgrace, without a hearing, without evidence, and without the judgment of any but his political enemies, who happened to be in power. His appeal was overborne by numbers, but in the minority were found Denman, Brougham, Tierney, Whitbread, Lushington, Scarlett, Lord William Bentinck, and Lord John Russell. Lord Castlereagh on the occasion, with characteristic intrepidity, argued for the absolutism of the Executive. Disdaining alike history and logic,

he took his stand upon the official practice in which he had been bred. He held in his hand, he said, a paper containing the names of 212 officers who had been dismissed without trial within the last 10 years. When Returns were subsequently moved for, it appeared that from 1793 to 1821 seven colonels, 56 captains, and about 900 subalterns had been dismissed without trial; but from the night when Sir Robert Wilson's appeal was rejected, the power of deprival went more softly. The days of Castlereagh were already numbered, and under the sway of Mr. Canning a new system was adopted. It was a period of gradual thaw in the rigour of administration. Religious disability remained on the Statute Book, but Roman Catholics, wherever possible, were admitted to office. The severity of the Criminal Code was relaxed, and *ex officio* prosecutions for libel were discontinued. Instead of the forfeiture of their commissions, officers who were not favourites were permitted to sell out, or were compelled to go on half-pay; and, as Court Martials for trivial offences were certain to prove unpopular, recourse was more frequently had to Boards of Inquiry. The Duke of Wellington never retracted the words of condemnation which he poured upon Boards of Inquiry in 1809. He habitually turned a deaf ear to trumpety complaints. When officers got to loggerheads among themselves, he left them—to use an American phrase—to “worry through it;” but when a man did anything seriously wrong, he sent him to be tried, not by a Board of Inquiry, but by a Court-Martial. He, and after him Lord Hill systematically set their faces against the substitution of the lawless, secret, unauthorized, and thoroughly pernicious system of Boards of Inquiry for the open and lawful inquiry of a Court-Martial. They were also strongly opposed to resorting to the miserable system of compelling men to go on half-pay as a mode of punishment. In 1841, when the Government was called upon to dismiss, or put on half-pay, Lord Cardigan—a bitter opponent of the then Administration—Lord Melbourne, who in Army matters was mainly guided by the Duke's advice, firmly refused to seek popularity by such an abuse of power. As Secretary at War, Mr. Macaulay, speaking, as he said with the sanction of the greatest captain of the

time, as well as of Lord Hill, said that, “except for some heinous fault, no man, without sentence of Court Martial, ought to lose his commission;” and that, “as a punishment, no officer ought ever to be reduced to half-pay; that was not the principle on which the Half-pay List had been established, nor to which, while he held office, it should be perverted.” He added “that the half-pay was no punishment. It was given partly as a reward for past services, and partly as a retainer for future services. Why, then, should it be made a reward for offences while there remained the alternative of a Court Martial? for the other alternative of a dismissal from the service without Court Martial would, he had the authority of the Commander-in-Chief of the Army for saying, be a serious and, perhaps, fatal injury to the Army.” These words of Mr. Macaulay ought not to be now forgotten. Lord Dalhousie told the Purchase Commission of 1857 that he invariably refused to act on suggestions to reduce men who had got into scrapes by placing them on the Half-pay List, as that list should not be made a refuge for officers who had misconducted themselves. He (Mr. Torrens) regretted to say that in the changes which took place subsequently to the death of the Duke of Wellington the whole of these principles had been allowed to disappear, and recently they had painful knowledge that the whole system had been changed. In the Regulations issued in 1868, and again in January, 1873, it was distinctly laid down that the Minister for War might, on the recommendation of the Commander-in-Chief, place any officer upon penal half-pay, and further reduce that half-pay to any amount he might think fit. Such a system would place officers at the mercy of the Minister of the day. He (Mr. Torrens) was not dealing with individuals, but with a system. The people were anxious that an efficient Army should be maintained to uphold the dignity of the Monarchy and to defend the country, and, accordingly, the expenditure of the War Department was never greater than now; but they were anxious, while seeing that they got a proper return for the money, that the Army should be governed upon principles of national and constitutional justice. As long as the Army was small—and he found its average strength in

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me of peace in the last century did not exceed 20,000—dismissals could not excite any great feeling, and the officers were men of rank and influence, who would take very good care of themselves; was in their favour that the Purchase system was mainly kept up, so that few advances could arise; but what was our position now? We this year voted pay upwards of 7,000 officers, and it was only two years ago that the House had set aside all the other business of legislation and devoted its attention for three months to re-organizing the Army fundamentally. It was agreed to do away with purchase, and open the door to the endless and the nameless who should never have had a decent education, who were to rise by "selection," whatever that might mean; but what was to be the position of those men, judging by the facts—which, unfortunately, were numerous—when getting to loggerheads with their fellow officers about trifling matters, or, what was more difficult to deal with, incurring the prejudice or disfavour of their commanding officer? Long as men could appeal to a sworn tribunal, friendless men might be safe, but they could not feel safe if on a charge from an unknown accuser, and judged by a tribunal nominated by the Secretary for War or the Commander-in-Chief, sitting behind closed doors, they could be condemned without a hearing, and on the report of an unsworn tribunal be driven from their profession, and cut short in their career without appeal and without any sort of reparation from the civil Courts of the Realm. He would mention an instance. An officer who had served 20 years with honour, who had been decorated by his own Sovereign and by the late Sovereign of France, and against whom nothing whatever had ever been alleged, except that he had incurred the displeasure of his commanding officer, was removed from the service by the present Commander-in-Chief, with the sanction of the Minister of War, upon the report of a Court of inquiry, which Court was not ostensibly summoned to inquire into his fitness to be retained in the service, but which had secret instructions to report thereon. The ravages of the charge against him was that having been impeached before a previous Court of Inquiry, which acquitted him of any blame, this officer, like an honourable man, could not choke down

the sense of injustice which he felt. For reiterating the acquittal of the previous Court of Inquiry, he was considered insubordinate by those who had failed in the first instance to convict him; and for that insubordination he was brought before the second Court of Inquiry, and, upon its recommendation, was removed from the Service with a loss of about £7,000, the value of his commission and pay, and at the present moment he was on penal half-pay and without any redress whatever, for on being advised to bring an action against his superior officer, he was told by Mr. Justice Blackburn that evidence as to the truth or malice of the allegations against him could not be admitted. In the Exchequer Chamber, 10 Judges confirmed the ruling that Courts of Law could not interfere in military matters, and that even when the adverse report of a Board of Inquiry was said to have been obtained by unfounded or malicious allegations, an action for libel by the deprived officer could not be maintained against his military slanderers. Lord Chief Justice Cockburn, whose name would for ever be indelibly inscribed among the greatest and the best defenders of constitutional rights, hesitated not to express his reluctance to recognize a state of the law which left a brave and honourable man without any remedy against intolerable wrong, and he did not conceal his hope and conviction that such a condition of things would not be suffered to continue. In "*Dawkins v. Lord F. Paulet*," when giving judgment in demurrer, he pronounced his opinion to be in favour of the plaintiff and against the demurrer, which necessarily, in point of form, admitted the averments in the replication to be true, and that the representations made by the defendant, Lord F. Paulet, in reference to the plaintiff had been made dishonestly, maliciously, and without a belief in their truth. He said—

"To support this demurrer, it was necessary to maintain that in all matters relating to military authority and discipline a subordinate officer is, so far as civil redress is concerned, entirely at the mercy of his superior; that the latter may institute proceedings against him, without right or reason, on charges which he knows to be unfounded, may, under the disguise of duty, write concerning him that which he knows to be false, and may thus bring upon him consequences the most disastrous, without the party injured being entitled to redress in a court of law. While I fully agree that acts done in

the honest exercise of military authority are entirely privileged, I confess that I am not prepared to arrive at a conclusion so startling and apparently unjust as that, if the opportunity it affords is intentionally abused for the purposes of injury and wrong, no redress is to be had by the sufferer in a court of law."

Sir Alexander Cockburn then proceeded to comment on the case of "*Sutton v. Johnstone*," and referred at some length to the judgment of Eyre, B., and to the remarks of Lord Mansfield, and to a subsequent case of "*Warden v. Bailey*," and on hearing afterwards before the Court of King's Bench, as a Court of Error, in which the reasoning of Lord Mansfield in "*Sutton v. Johnstone*" as to the action not being tenable was not adopted or followed, and in which Justice Laurence, in the course of the argument before the Court of Common Pleas, stated that he had heard—

"from good private information that the reasons assigned by Lord Mansfield were not adopted by the House of Lords though his judgment was affirmed. While no man would more strenuously uphold military authority when legitimately exercised, or would more earnestly urge upon juries the propriety of presuming everything in favour of its legitimate exercise, and of requiring the most cogent and conclusive evidence of its abuse, to entitle an inferior officer to recover in an action against a superior, I cannot bring myself to think that it is essential to the well-being of our military or naval force, that where authority is intentionally abused for the purpose of injustice or oppression, where charges are preferred which to the knowledge of the party preferring them are intentionally unjust, where representations are made which the party making them knows to be slanderous and false, the party injured, whose professional prospects may have been ruined and whose professional reputation may have been blasted, is to be told that the Queen's Courts, in a country whose boast it is that there is no wrong without redress, are shut to his just complaint. On the contrary, I cannot but believe that to a force depending on voluntary augmentation, it will be far more beneficial that its subordinate members shall know that against intentional oppression and manifest wrong, leading to consequences disastrous to professional interests or character, redress may be found in the civil tribunals of the country. But I think that if the law is to be thus settled it should be done by legislative enactment, or at all events by a court of error, and that, acting as a Court of First Instance in dealing with this demurrer, we should give judgment for the Plaintiff; but my learned brothers have arrived at a different conclusion, and therefore judgment must be given for the Defendant."

That was no isolated instance, and he had not the least doubt that the Secretary of State for War only did what he

was advised to do, and what he had abundant precedents for doing; but the fact remained that Colonel Dawkins was deprived of his honours and emoluments without just cause. His object was to plead in favour of a class of men who were defenceless, and not to make any complaint against any particular Minister or Department. A few weeks ago a man sought an interview with him who had been deprived of his commission with ignominy after 28 years' service, after 14 of which he was promoted from the ranks. At the end of that second period his commanding officer, Colonel Wilbraham, wrote him this letter—

"Dear Hawtree,—I cannot leave the corps without expressing to you my sense of the exemplary manner in which you have behaved on all occasions, and of the advantage I think you have been to the service."

He asked if a man with such antecedents was not entitled to consideration even if in fault? He put it to the feeling of the country, was it right or prudent that suddenly, in his 29th year of service this man should be ordered to give up his sword, and should be kept in arrest for a period of six months without any charge being brought against him in any tangible or definite form? At the end of that time he was, however, released from arrest and ordered to hold himself in readiness to serve on the West Coast of Africa. Two months elapsed, and by January re-inforcements were suspended, the authorities once more changed their minds, and the following order was sent to the commanding officer at Netley:—"In consequence of the facts found by the Board of Inquiry Lieutenant Hawtree is called on to resign his commission." He was assured by this unfortunate man that he was, up to the present moment, left in ignorance of the specific charges reported against him by the Board of Inquiry, on whose *parte* decree he was doomed to professional ruin. If Captain Hawtree had been guilty of deficiency in his pay-lists or mis-statements of accounts, why was he not confronted with his accusers? Told to resign his commission without indictment, proof, trial, or conviction, he did what every honest man would do—he refused, and asked earnestly and repeatedly to be tried by a Court-Martial. Why was his request not granted? There was not a pick

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pocket collared by the police—there was not a welcher on Newmarket Course—there was not a burglar caught in the act, with centre-bit and jemmy found in his possession—who was not certain of more justice than they had given this man.

But he could mention another case, which was treated in a similar manner. Within the last three years the colonel of a regiment serving in India was accused at head-quarters of inebriety. A Court of Inquiry was appointed to investigate the charge. They sat several days with closed doors, and examined—not upon oath—many witnesses, all of whom denied the allegation, and said they had never seen him unfit for duty. The Report was unanimous that no case had been made out. Yet within a month he was dismissed from his command without any cause assigned. He was struck off the Staff Corps without trial, proof, or sentence of any sort. He (Mr. Torrens) complained of these so-called Courts of Inquiry, not for examination, not for advice, but for colourable trial and injudicial judgment. To use the words of Mr. Wyndham, the proceeding before a Court of Inquiry was in the nature of a preliminary investigation to report confidentially as to whether a public trial should take place—

“Its members were a set of advisers, and not Judges; or, if Judges, Judges who were to judge of nothing but whether the matter ought to be submitted to judgment. But to pervert the tribunal is to produce a strange, anomalous, and inconsistent proceeding: a trial—which is no trial—for it can neither condemn so as lawfully to inflict punishment on the guilty, nor lawfully acquit, so as to protect the innocent.”

It was a mere evasion, under a certain form, of that which was the great protection of Englishmen. Military Boards of Inquiry, when kept to their proper purpose—namely, that of preliminary investigation and confidential advice—no one objected to. But a Board of Inquiry consisted of any three nominees of the officer who might be the accuser; it had not even the faculty of inflicting punishment where it condemned; and, what was far more important, it had not the blessed faculty of giving a man a full acquittance when he had been proved to be innocent. These wretched and lawless tribunals, so far as they were substitutes for Courts-Martial, only served to afford a screen or boarding behind which something might

be done which it was not convenient should be seen by the public, and they infringed and subverted the spirit of the Mutiny Act. A Court-Martial was a sworn Court which tried upon evidence given under the sanction of an oath; but these Boards of Inquiry were exactly the reverse, for they were not sworn and had no power to administer an oath, for that House had always refused to give them power to take evidence on oath, and the Duke of Wellington strongly objected to their having such a power, as tending to enable them to supersede the legitimate Courts of the Army. He hoped that in future every officer before he was deprived of rank and pay would have a lawful trial, according to the principle and practice which every year Parliament ratified anew by passing the Mutiny Act. When the Government of India was taken over by the Crown the two Armies were amalgamated, and now the officers of the old Indian Army bitterly complained that they could not obtain a fair consideration for what they held to be their just claims. He maintained that it was the duty of the House to open their ears to the fact that there was great discontent among military officers owing to the insecure tenure by which they held their position. The Duke of Richmond in the late Parliament brought before the other House the grievances of the officers of the Army arising out of the abolition of purchase, and “defied any man to deny that great discontent existed among them, because they did not receive what they felt themselves entitled to when that great change was made.” Ought not the House of Commons diligently to see that justice was done to that poor and friendless class of men who in future would have nothing to receive when they were compulsorily put upon half-pay or dismissed from the service? It could not be objected that in making his Motion he was interfering with the Prerogative of the Crown. He had no such intention, and he was prepared to alter the terms of the Motion, if it were necessary, to remove any doubt upon the point. A far more serious objection which might be urged was, that by doing what might be justice in one or two individual cases, he was risking the security for discipline in the Army. Upon that matter he had learnt what

was done elsewhere, and he would confidently challenge any one to name a country in the world, enjoying Representative institutions, where this arbitrary power of removal without trial was used as the means of discipline in the Army. The Dutch in their days of greatest danger, never allowed the officers of their Army to be removed at the pleasure even of the great commanders to whom they were so much indebted for their emancipation; and in Holland at the present time no officer could be removed except by a Court-Martial. Before Parliament with us began to exercise control over the Army, our free and stout-hearted neighbours over the sea had taken thought about this matter and settled the conditions on which the Executive should raise and rule a national force. Having driven out the sea and beaten back the stranger, they were not the men to yoke the bravest of their youth to a lawless and capricious power of its own making. Willing to furnish troops and to pay for them under the command of princely generals, they never dreamt of putting either recruits or veterans beyond the pale of law. Soldiers, they thought, who renounced the protection of Civil Courts, all the more needed the protection of military tribunals, for the Dutch were a law-abiding people. The sagacious Princes of the House of Nassau who did so much to build up seven jealous provinces into one infrangible federalty, carefully kept faith with them in camp and garrison. They knew the indispensability of that public confidence which, in a free country, had its root in the sense of individual justice. Holland was indeed a little land, but in the history of European progress it had played no little part; it sheltered our fugitives for freedom's sake—many and notable—and when our fathers wanted help against the Stuarts they sought and found it there. From the earliest days of a regular standing force the colonels of regiments and all field officers were irremovable by the Commander-in-Chief; and even when the States General had acquired the functions of a national Parliament, they were not allowed to discuss the fundamental conditions which secured the rights of the Army. Throughout every vicissitude of fortune, our shrewd and self-respecting neighbours held on the even tenor of their way.

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Hear, after three centuries, their conclusion of the whole matter. In the Army Regulations, published by Royal Authority in 1851, he found that no commissioned officer could be discharged against his will, from the active or non-active service, except upon the judgment of a military Council or Court. The constitution of the Council was provided for with scrupulous precision. Of seven members, three must be of the same rank but senior to the accused; and all were chosen by lot from the regiments of the district. The forms of procedure were laid down with nice regard to equity; and every document, however confidential, touching the conduct of the defendant must be furnished to him. If acquitted he could not be deprived of his commission, if found guilty the head of the State could only vary the sentence in his favour; no officer could be put on half-pay except for specified cause:—ill health, the reduction of his corps, the abolition of his post, a superfluity for the time being, of men of the same rank, or his being elected to the States General—but he waited to be recalled as soon as there was a vacancy to active service, when the opportunity was by rule afforded him in his turn by a Government with whom economy was a traditional maxim. Such were the prudent and righteous principles of the Dutch military system. Truly it might be said of them, as Lord Bacon said of the Swiss, that with great natural disadvantages “they last well, for utility is their bond and not respects.” There was another monarchical but free country with high traditional claims on our consideration for having early set an example of maritime enterprise and well ordered liberty, and whose means of military defence as a bulwark State against the further encroachments of semi-barbarous ambition, we were bound to note with solicitude and sympathy. Sweden might not occupy as prominent a place for deeds of arms as in the day of mediæval chivalry, but it was her good fortune to have a sailor and a man of science for her King, a Legislature that reflected every feeling of the community, an industry that never tired in the race of free competition, an Army and a Navy recruited from her labouring classes without difficulty, and officered by men of honour and education. But then they were by

and Courts-

the officer impeached on the questions on which the Council have to decide. The voting is by ballot, and the vote of the majority forms the verdict of the Court. A *procès verbal* is then drawn up and submitted to the Minister of War, who acts in accordance with the verdict."

Then as to Prussia: an officer of rank (Baron Weitzleben) lately told him that a German subaltern, whatever his extraction or intellectual capacity, had practically complete protection against injustice. The complaint against him must be made, in the first place, to the field officer who was his immediate superior, and who would call upon him for explanation. If he failed to clear himself the matter was reported to the colonel or brigadier of the district, and before each in turn he had an opportunity of exculpation. So that before the case came, not as a favour, but as a right, before the War Office or the Military Cabinet of the Sovereign, the officer had three or four opportunities of hearing everything that had been reported to his detriment. The power of the Emperor to remove without cause assigned was undisputed, but its exercise was practically unknown. In Russia similar safe-guards existed. The Emperor of Russia was an absolute Prince, unembarrassed by constitutional prejudices or forms; but when one of his officers was asked the other day what the course in the Russian Army was, he answered that it was not the custom to have a man removed from the service without Court-Martial. The late Emperor Nicholas had, indeed, on two occasions, exercised his power of dismissal; but accompanied it by a voluntary declaration that it arose from circumstances of great exigency, and was not to be regarded as a precedent. If they turned to the United States, whose laws and institutions were more like our own than those of any other great nation, they would find that officers were amply protected. George Washington adopted the English Mutiny Act of 1774, and got it re-enacted by Congress, only substituting President for King. During the great Secession War, Congress passed a law conferring and declaring the power of the President to displace and dismiss any man deemed unworthy of trust in the Army. It was not a time to be nice, and President Lincoln during the struggle broke several officers without waiting for trial. A general officer told him (Mr. Torrens) that during the cam-

paign of 1864, a young officer under his command was ordered to occupy a post on the extreme flank, which the Confederates threatened to turn. He was overpowered, and the post was lost. His comrades, under the smart of repulse, reported ill of him, and the General suspended him. The young officer appealed to the President for a Court-Martial, which declared him not to blame, and his commander acknowledged publicly that he had made a mistake, and restored him to his former position. The experience of that case and one or two others led to an alteration in the law, and an Act was passed in 1866 which annulled the law which had hitherto been in force on the subject, and declared that in future no officer of the United States Army in time of peace should be removed excepting after trial by Court-Martial. The American Secretary of War, in a letter dated December 29, 1873, addressed to General Schenck, wrote—

"A commissioned officer of our Army can be dismissed only by sentence of a Court-Martial except in the single case of officers absent three months without leave, who may be 'dropped from the rolls.' Placing on half-pay, as the proceeding was understood in the British Army, was wholly unknown, and no punishment could be enforced against an officer upon the recommendation of a Court of Inquiry. For this purpose there must be a trial and conviction by Court-Martial. Officers were commissioned by the President and with the advice of the Senate, and held their commissions during good behaviour. The President could not dismiss an officer, although he was formerly invested with this power. Under the present law an officer could not in time of peace be removed from the service but by the sentence of a Court-Martial. In the discussions of 1734, Lord Carteret and others, adopting the analogy in the case of the Judges, proposed that no officer should be removed without an Address from both Houses of Parliament. That was, perhaps, going too far, but he (Mr. Torrens) claimed that they should hold their office during good behaviour, and not during pleasure. He would leave the Crown its present entire liberty and discretion; but the Minister of War should be told that a man must not be deprived of his rank and pay without giving him the chance of vindicating himself. Why should a man be crushed who more especially needed protection, or why should our officers labour under injustice to which no other class of society was subjected? Lord Palmerston once said, in reference to a

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proposal similar in effect to that which he was then laying before the House, that such a change as was involved would give to officers in the Army freeholds in their commissions. The answer made to this by Mr. Tierney, the Leader of the Liberal party, was that there was no desire to endow the officers with freeholds in their commissions, but it was not right that they should be mere tenants at will. In conclusion, he would repeat that he did not want to limit the power of the Secretary of State for War, all that he wanted was the establishment of a fair system, under which officers who were charged with any defence might have the opportunity of defending themselves before legally constituted tribunals, and in a proper legal form. It was an important change that he advocated, for they could not afford to have either an unpopular or dissatisfied Army, and he would accordingly submit his Resolution to the House, merely premising that in order to obviate objection he had modified it by inserting after the words "any officer" the words "under the rank of Major General." At a cost of many millions, Parliament, as was said, had bought the Army out of mortgage; it would now be their duty to take care that it was not sold into bondage. The wealthy and the well-born were never in danger of being enslaved; and relying on their varied means of social and political influence they would possibly be content that the arbitrary power of removal and promotion should continue uncontrolled. But the interest and the honour of the greater number of middle class officers must be ever deeply concerned in the establishment of a definite and equitable system of military administration; and if Parliament were sincere in the reasons assigned for the abolition of purchase, they must wish and expect that the proportion of men in future entering the Army without connection or fortune, would every year increase. He asked for them security and justice—he asked no more. It might be now refused as most things intrinsically good and right often were; but the demand would be reiterated until it was obtained.

GENERAL SIR GEORGE BALFOUR seconded the Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words

"an humble Address be presented to Her Majesty, praying that before Her Royal sanction in time of peace is asked for the permanent removal from active service of any Officer under the rank of Major General, who shall have held a Commission in the Army for three years, Her Majesty may be graciously pleased to direct that an option may be given him of having his case heard and adjudicated upon by Court Martial,"

—(Mr. Turrens.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. STEPHEN CAVE said, the hon. Member for Finsbury had made, as was usual with him, an eloquent and interesting speech, to which he (Mr. Stephen Cave) had listened with great attention, but he did not think it would be the general opinion of the House that his Motion was a necessary one. In his opinion, the hon. Member had not made out a single case of hardship that should call for the interference of the House with the exercise of the Royal Prerogative. The hon. Member had referred to three specific cases of hardship. Two at least, of these, he thought he recognized. If he was correct, one was well known to the House, and had been long decided. The second was a case with which also, he believed, he was acquainted, and in which, if he was right, he thought there was little ground of complaint. The third he did not remember. With respect to the Resolution itself, there was no doubt that cases of individual hardship might occasionally arise—a state of things which could never be guarded against. The hon. Member also referred to former times, in which commissions had been lost in consequence of the political opinions of their holders; but he seemed to forget that it would be as difficult to revive such a state of things as to restore the Star Chamber. Again, reference had been made to the practice in foreign armies; but, in the first place, they knew very little of the internal organization and working of those armies; and, in the next, their main circumstances and conditions were different from our own. It would not be said that there had been very few removals in the French Army in consequence of political opinions, while in the Prussian Army there were preliminary Courts of Inquiry. In this country there was between Courts of Inquiry and Courts-

once he had never known an officer placed on half-pay for that reason. In fact, he should like to see some mode of making plain to an officer that he did not come up to the standard of efficiency, and inducing him to request his own removal. While at Berlin last year he was allowed by the favour of the Emperor, to see a great deal of the Prussian military establishments; and he thus obtained a great deal of information which could not otherwise be acquired. He asked what means they had of securing efficiency by the removal of inefficient officers; and he was told that if an officer was notoriously incompetent, he would receive a hint to that effect. If that were not enough, at the next promotion the man below him in rank would be placed above him. If he still resisted this hint that he was not up to the standard of efficiency, it was repeated; and the result was, that for more than a century an officer had never been thrice passed over; but, that were there one so lost to delicacy and right feeling as to allow this to happen, his inferiors would soon cease to salute him, a position which no officer could tolerate. If a few words were added to the Resolution to the effect that there should always be a distinction drawn between offences against moral character and mere professional incapacity—leaving untouched causes over which the best men had no control—it would act most effectually to meet the case, and accord much nearer with the views he entertained on this question; and he believed that with such a proviso the proposal of the hon. Member would work well. The more our Army became a professional one, composed of men whose interests were entirely bound up with it, the more necessary would be some safeguard of the kind proposed, drawing a broader line of demarcation between removal for misconduct and removal for temporary incapacity from unavoidable causes.

Question put.

The House divided:—Ayes 91; Noes 31: Majority 60.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Sir Henry Havelock

SUPPLY—CIVIL SERVICE ES

SUPPLY—considered in Comm

(In the Committee.)

(1.) £65,153, to complete the Criminal Prosecutions (Ireland)

(2.) £5,346, to complete the the National Gallery.

(3.) £1,448, to complete the the National Portrait Gallery.

(4.) £11,300, to complete the Learned Societies.

(5.) £8,361, to complete the the University of London.

(6.) £7,697, to complete the the Endowed Schools Commission

(7.) £15,240, to complete the the Scottish Universities.

(8.) £1,800, to complete the the National Gallery, &c. Scotland

(9.) £455,946, to complete for the Commissioners of National Education, Ireland.

(10.) £555, to complete the the Office of the Commissioners of National Education, Ireland.

MR. BUTT said, he and several Friends were under the impression the Votes relating to Irish National Education would not be proceeded with. Indeed, it was stated on Paper that these Votes were taken.

MR. W. H. SMITH said, Vote for English education referred to in the Notice of Precedent of former years has followed in the matter.

Vote agreed to.

(11.) £1,980, to complete the the National Gallery, Ireland

(12.) £1,784, to complete the the Royal Irish Academy.

(13.) £3,403, to complete the the Queen's University, Ireland

Motion made, and Question

"That a sum, not exceeding £100,000, be granted to Her Majesty, to complete necessary to defray the Charge which will be in course of payment during the year ending the 31st day of March 1875, in aid of the expenses of the Queen's Colleges in Ireland."

Motion, by leave, withdrawn

(14.) Motion made, and Question proposed,

"That a sum, not exceeding £100,000, be granted to Her Majesty, to complete necessary to defray the Charge which will be in course of payment during the year ending the 31st day of March 1875, in aid of the expenses of the Queen's Colleges in Ireland."

necessary to defray the Charge which will come a course of payment during the year ending on the 31st day of March 1875, for the Expenses of Her Majesty's Embassies and Missions abroad."

SIR HENRY WOLFF, in moving the reduction of the Vote by £1,000 the increase of salary given to Sir Edward Thornton, said his objection was, that Her Majesty's Minister at Washington was the only member of the Diplomatic Service who had been singled out by the Government for an increase of his salary. In 1870, when the Committee on the Diplomatic Service made their Report, they stated that they had received unanimous testimony that the cost of living and the necessary expenses on the part of that Service both in Europe and America had greatly increased of late years. If, therefore, a general increase of diplomatic salaries had been proposed, he would have had nothing to say on that occasion. But the residence of Sir Edward Thornton at Washington had been signaled by a series of diplomatic disasters, among which were the rejection by the American Senate of a Treaty negotiated by Her Majesty's Government with the Government of the United States, the negotiation of the Treaty of Washington, whereby no compensation was secured for the Fenian Raids, and the Island of San Juan was sacrificed. Moreover, the House had been informed that no understanding had been come to with the American Government as to the interpretation of the Three Rules contained in the Treaty, under a breach of which £3,500,000 had been paid by this country to the United States as compensation. These Estimates showed that the Foreign Office had been inclined to cut down rather than to raise salaries. They had reduced the salary of the British Minister at Berne, when France had appointed an Ambassador at the Swiss capital; they had cut adrift Consular chaplains, and also certain Consuls; and the only person selected for an increase of salary was our Minister at Washington. He objected to that increase, because it would be viewed in the United States as a continuation of that approbation of the negotiators of the Treaty of Washington which had been lavished on them by the late Government. He believed that one of the considerations which influenced the last General Election was the humiliation

that this country experienced on account of that Treaty. He could see no objection to the Government transferring Sir Edward Thornton to another appointment, where his talents might be more successful. He begged to move that the item of £6,000, being the amount of the salary proposed to be given to our Minister at Washington, be reduced to £5,000, the sum at which it stood last year.

Motion made, and Question proposed,

"That the Item of £6,000, for the Salary of Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, be reduced by the sum of £1,000."—(Sir Henry Wolff.)

MR. BOURKE said, he regretted that the hon. Gentleman had taken that opportunity of casting a slur on Sir Edward Thornton. [Sir HENRY WOLFF denied that he had done that.] He had understood the hon. Gentleman to say that the whole of Sir Edward Thornton's career at Washington had been a disastrous one. He could not imagine a greater slur than that to be cast upon a professional man, and he hoped that if the hon. Member himself ever held a responsible diplomatic appointment he would not have such aspersions thrown on him in that House. He would not enter into the policy of the late Government in regard to the Fenian Raid, the Island of San Juan, or the Three Rules; but if there was anybody to find fault with in respect to that large bundle of questions, certainly it was not Sir Edward Thornton. The late Government had repeatedly accepted the responsibility as to the whole of the Treaty of Washington, and disclaimed the idea of throwing that responsibility on the British Minister, or the British Commissioners. As to the additional salary proposed by the late Government for our Minister at Washington, it was proved before the Select Committee that the cost of living at that city had very much increased of late years, and also that the importance of the Washington Mission was growing every day, more especially in connection with the Canadian Dominion, as to which many important questions arose which brought them into relation with the United States. It was highly desirable that the Mission at Washington should be in a position to afford the necessary hospitality to people going

there from Canada, Europe, and other places, in reference to those great questions. Moreover, the climate of Washington was very dangerous to Europeans at certain seasons, and it was necessary that officials stationed there should leave that city for a considerable portion of the year. Again, the depreciation in the American currency had practically reduced the value of money; and altogether the salary of our Minister was deemed insufficient by the Select Committee. He believed that the interests of the public service would be benefited by the proposed arrangement.

SIR HENRY WOLFF thought the Under Secretary for Foreign Affairs need not have made that a personal matter. Why was not the salary of the Secretary of the Legation at Washington increased, as well as that of his chief, on account of the additional cost of living? If the reasons for doing so were good in the one case, they were equally good in the other. Besides, the Select Committee reported that the cost of living had been much increased in Europe as well as in America. He objected to that singling out of Sir Edward Thornton for a special mark of favour at the Foreign Office; and, unless he received from the Government an assurance that it was not intended as a continuation of the approbation which had been bestowed on the negotiators of the Washington Treaty, he must press the reduction of the Vote.

Question put.

The Committee divided:—Ayes 2; Noes 89: Majority 87.

Original Question put, and agreed to.

(15.) £204,574, to complete the sum for Consular Establishments Abroad.

(16.) £37,769, to complete the sum for Colonial Local Revenue, &c.

(17.) £2,930, to complete the sum for the Orange River Territory and Saint Helena.

(18.) £122, Slave Trade Commission.

(19.) £10,830, to complete the sum for Tonnage Duties, &c.

(20.) £4,460, to complete the sum for Emigration.

(21.) £15,686, to complete the sum for the Treasury Chest.

(22.) £359,957, to complete the sum for Superannuation Allowances.

Mr. Bourke

MR. MELLOR said, the Vote under consideration deserved attention, and he should like to know who were the recipients of the pensions in question, and on what basis those pensions were calculated? For example, he found a lady's name on the list whose father was placed on the fund in 1791, by Mr. Pitt, and who had received up to the present time no less than £12,791. He also found that last year Sir Alexander Spearman retired from the office of Controller of the National Debt Office, with a pension of £2,500. This gentleman commenced his official career in the Treasury, and was obliged to leave in 1840 in consequence of ill-health. At the time he was in receipt of £1,200; but how his pension was calculated was mystery, because it appeared that although he had been Assistant Secretary to the Treasury for 31 years, and was therefore only entitled to a pension of £1,240, he had received the liberal superannuation allowance of £1,330. Last year, when he retired from service, he received a full allowance of £2,500 a-year, but upon the ordinary basis he was only entitled to £1,930. There were many other items of the same character, and it really was absolutely necessary that something should be done to ascertain what was really the condition of what he might call the non-effective public service. It amounted at that moment to the enormous sum of £5,500,000 paid in pensions, and there was no doubt that we should have to pay income tax and taxes upon every article we consumed as long as this vicious system continued. Now, take the House of Commons for example. The sum paid for salaries was £41,976, and pensions £11,707. In the list of retired officials he found the name of Mr. Dorrington, a Parliamentary agent, formerly a clerk in the Private Bill Office, who retired in 1853 on a pension of £1,900 a-year, and who had since altogether pocketed £36,000 for doing nothing, except attending to his own private interests. In the Department of the Treasury the salaries were £58,000, and the pensions £14,282; in the office of the Paymaster General the salaries were £21,855, and the pensions £10,541; and in the Exchequer and Audit Department the salaries were £39,209, and the pensions £14,478. He could occupy the Committee an hour in showing the inconsistencies in some pensions as com-

pared with others, and he always found that the best men were worst treated. He, however, would not trouble the Committee with any more than; but it was time that public attention should be drawn to the subject.

Mr. W. H. SMITH said, he agreed with his hon. Friend, that the subject was a most important one, and one that demanded the strictest inquiry. He could not, however, go into it then, neither was he prepared to go into the particular cases, not having had any information as to the intention of his hon. Friend to bring them forward; but he might say generally that the greatest possible precautions were taken that no person should receive any payments to which he was not entitled. If his hon. Friend would kindly give him the particulars of any case, he would have that case investigated, so as to show that the persons whose names were in the Estimates were still alive and were those who received the money. If his hon. Friend turned to the Estimates, he would find that Sir Alexander Spearman had served the country 53 years, and that he retired at the age of 79, having rendered very efficient service. But with regard to the heavy charge for pensions, the Committee must be aware that unless there were such inducements to retire, it would be impossible to get rid of old and faithful servants when they were no longer fit for duty; and, on the other hand, it would be equally impossible to secure the services of young and able men merely for the salaries that were now paid. A question which the country would at some time have to consider was whether they should largely increase the pay of all public officers and do away with pensions altogether, or whether they should continue the present system of pensions.

Mr. MELLOR wanted to know why the same rule was not applied in all cases?

Mr. ANDERSON said, he thought the Committee were very much indebted to the hon. Member for Ashton-under-Lyne (Mr. Mellor) for having raised this question. Everybody who had investigated the matter must feel that there were a great many anomalies connected with it; but he had come to the conclusion, that while there was much that was questionable in the system, there had of late years been a considerable

amount of improvement. In his opinion the whole system of pensioning was bad. He thought they ought to pay men properly for the services which they rendered to the public, and to leave them to make provision out of what they received for the future. They would in that way secure much better services than could be obtained under the present system, and although the payments might be larger for the present such an arrangement would in the long run be the most economical for the country. He did not think they had any right to devolve on posterity payment for the work done now, and the present system was certainly one under which the existing generation shirked its own responsibility and transferred it to a future generation. He thought they ought to pay public servants liberally enough to enable them to do without pensions.

Mr. WHITWELL expressed his satisfaction at the prospect that the system on which our public servants were paid would be looked into. He thought that the difficulty as to pensions might be met by establishing an insurance fund to which public servants should be bound to contribute, and had reason to believe that many of the recipients of those pensions were still capable of serving the community if restored to the service of the State. He trusted that the Secretary to the Treasury would turn his attention to this subject.

Mr. W. H. SMITH said, he had expressed no opinion whatever on the principle involved in this charge. He had merely said it was a grave and important subject and that under the existing state of things these gentlemen had a right to pensions which formed part of the bargain made with them when they joined the service. If a change was made it would involve an enormous increase to the annual charge as well as great difficulties of administration.

Mr. MONK complained that resident magistrates in Ireland after 20 or 21 years' service received their full salary on retirement instead of, as in other cases, only a proportion of it.

Vote agreed to.

(23.) £32,238, to complete the sum for the Merchant Seamen's Fund.

(24.) £24,000, to complete the sum for Distressed British Seamen Abroad.

(25.) £15,760, to complete the sum for Hospitals and Infirmarys, Ireland.

(26.) £4,148, to complete the sum for Miscellaneous Charitable and other Allowances, Great Britain.

(27.) £4,593, to complete the sum for Miscellaneous Charitable and other Allowances, Ireland.

(28.) £19,102, to complete the sum for Salaries and Incidental Expenses of Temporary Commissions.

(29.) £2,645, to complete the sum for Oceanic Investigations.

(30.) £4,733, to complete the sum for Miscellaneous Expenses.

(31.) £843,246, Customs Department.

(32.) £1,401,013, Inland Revenue Department.

MR. WHITWELL suggested that in many parts of the country great improvement and economy might be effected by amalgamating the two systems of collection for the public service—the Excise and Customs.

MR. W. H. SMITH said, he was happy to inform the hon. Member that there was a Committee sitting which was charged with the duty of endeavouring to ascertain how far it was possible for one Department to act for the other in different parts of the country. He thought the proposed amalgamation might be advantageously effected in many parts of the country.

Vote agreed to.

House resumed.

Resolutions to be reported *To-morrow*;

Committee to sit again upon *Wednesday*.

MAGISTRATES (IRELAND) AND COMMISSIONERS OF DUBLIN POLICE SALARIES BILL.—[BILL 117.]

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.*)

COMMITTEE.

Bill considered in Committee.

(*In the Committee.*)

MR. BUTT, in moving the insertion of the following clause:—

(*Appointment of magistrates.*)

“Immediately after the passing of this Act, and from time to time, the Lord Lieutenant of Ireland shall appoint a board of three fit and proper persons who shall from time to time examine into and certify the qualifications of all persons desirous to act as resident magistrate under the hereinbefore recited Acts, including

therein especially an examination of all such persons as to their knowledge of the duties of magistrates, and the laws relating to same, and of such other branches of knowledge as the said board with the approbation of the Lord Lieutenant may from time to time prescribe; and after the passing of this Act no person shall be appointed a magistrate under the said Acts or any of them, unless such person shall have obtained a certificate of his fitness signed by two of the persons appointed to be such board.”

said, its object was to provide that stipendiary magistrates in Ireland, whose duties were very important, should be required to possess some qualification for the office. He should suggest an examination.

SIR MICHAEL HICKS - BEACH said, he must admit that the hon. and learned Member for Limerick had raised a very important question in the clause which he had submitted to the Committee, but he (Sir Michael Hicks-Beach) did not think he could accept it, as its object was to transfer from the Government of Ireland the responsibility of the appointment of magistrates, and to place that responsibility in the hands of a Board of Examiners. In recent years the Lord Lieutenant had been very careful to appoint persons of proper qualifications to the office of stipendiary magistrate, and he could assure the hon. and learned Gentleman that the Government was most desirous that the appointments should be for the benefit of the country. If the same course continued to be pursued by those who were responsible for the appointments, it would be better and safer than the method proposed by the hon. and learned Member. It was quite true that these magistrates ought to have a knowledge of law, but there were other qualifications which a magistrate ought to be in possession of, such as firmness, decision of character, and the like, and which could not be tested by an examination. He trusted that, under all the circumstances of the case, the hon. and learned Gentleman would not press his clause to a division.

MR. BUTT said, he would not press the clause against the wish of the Government; but he would point out that he proposed no competitive examination but simply a test examination, which was a very different thing.

Clause, by leave, *withdrawn*.

MR. MONK asked why there had been a departure in the case of resident ma-

istrates in Ireland, from the rule that only a certain portion of the salary should be given as retiring pension?

SIR MICHAEL HICKS-BEACH explained that in addition to the amount set down as salary, there were various allowances given which it had been thought proper to take into account in fixing the retiring pension.

House resumed.

Bill reported, without Amendment; to be read the third time *To-morrow*.

REVENUE OFFICERS DISABILITIES BILL.—[BILL 15.]

(Mr. Monk, Mr. Russell Gurney.)
COMMITTEE.

Bill considered in Committee.
(In the Committee.)

Clause 1.

THE CHANCELLOR OF THE EXCHEQUER said, he was of opinion the clause ought not to stand part of the measure. The position of the question was this—Till a few years ago Revenue officers were disqualified not only from taking part in elections, but even from voting; but, in 1868, at the instance of the hon. Member for Gloucester. (Mr. Monk), a Bill was passed relieving them from the latter disqualification, still, however, leaving them subject to the penalties imposed by former Acts in respect of their taking part or interfering in elections. No doubt, the object of Parliament, in passing the old Acts, was to restrict the power of Government to influence elections, and to interfere with their freedom. The measures were very stringent, subjecting offenders to very severe penalties, which were to be exacted from them at the suit of any common informer, who was to receive a portion of the penalty. Circumstances having in the course of time altered materially, Revenue officers were allowed to vote, but remained subject to penalties for interfering in elections, and as these penalties were imposed by old Acts, some of which applied to one branch of the service and the remainder to other branches, the alteration that was made in 1868 left the law in a state of considerable confusion, and, no doubt, some amendment of it was to be desired. Inasmuch

as officers of the Post Office and of the Inland Revenue were now permitted to vote, and it was difficult to draw the line as to what was called interfering with elections, he thought it was perfectly reasonable to complete the work which was begun in 1868, by repealing these old and obsolete statutes. One of them which related to officers of the Post Office and to the Postmaster General himself was quite incompatible with the present state of things, because the Postmaster General might possibly be held under that statute to be liable to a heavy penalty for addressing his constituents. But he (the Chancellor of the Exchequer) must point out to the hon. Member (Mr. Monk), and to the Committee, that very considerable inconvenience might arise, if officers of certain branches of the public service were, as a matter of habit, to take an active part in elections. He had been told there were a great many cases in which gentlemen connected with the Court of Probate, or some other branch of the Public Service, were excluded from taking their legitimate part as British citizens in elections, and he had no wish whatever to restrain them from taking such part. But it must be quite obvious that there might be, and that there were, certain branches of the Public Service in which there ought to be a good deal of discretion exercised as to how far officers ought to take an active part in elections. For instance, take the Post Office. With reference to some Election Petitions, applications had lately been made to Judges for the disclosure of a telegram on the part of the Post Office. Well, suppose that there was a postmaster in some borough, in which a very severe contest had been going on, who took a very active part in politics. Was it not obvious that he might be suspected of using his position as postmaster of the town, to inspect telegrams having reference to the election? We had heard of cases in some places where letter-carriers had been suspected of tampering with letters, or leaving them behind, because they had to do with electioneering purposes. Again, take the officers of the Inland Revenue, it was perfectly obvious that those gentlemen, going as they did at all hours into places of business if they were known to be very keen political partizans, and if they were dealing with persons who were also known

to be keen political partizans, would always be liable to be accused, however falsely, for political reasons, of having been severe, or of having been lax in matters connected with the Revenue. For reasons such as these—and he might extend his illustrations indefinitely—it was clearly undesirable that officers of certain branches, at all events, of the Public Service should take an active part in electioneering contests. And, therefore, although he quite agreed with the hon. Gentleman that the law should be altered, and that old, obsolete, and inconvenient restrictions should be removed, he thought the House should do nothing to restrain the Executive Government from taking such steps as they might find necessary for preventing any unseemly or inconvenient interference of their own officials in electioneering contests. Now, the first clause might cause some difficulty. It provided that no person engaged in the Revenue Departments should be liable to any pains or penalties by reason of his having solicited the vote of any elector, or addressed any assembly of electors, in reference to the choice of any person to serve as a Member of Parliament. If they passed so broad an enactment as that, it seemed to him they would inconveniently impair the action of the Executive Government, and the Board of Inland Revenue or of the Customs might be held to have violated the Act, if they issued any order whatever with regard to the officers taking part in elections. Therefore, what he proposed was, that the Bill should be amended by striking out that section; that they should limit themselves to a repeal of the enactments which now prevented officers from taking part in elections; and that they should explain in the Preamble that the reason for passing the Bill was, that the officers of the Revenue Department were still subject to severe penalties with reference to electioneering matters to which the officers in other branches of the public service were not subject, that it was desirable to abolish such penalties, and that then they should leave the matter to be dealt with at the discretion of the Government. He thought it very probable that the Board of Customs and of the Inland Revenue might think it necessary to issue some orders on the subject.

The Chancellor of the Exchequer

Motion made and Question proposed, "That the Clause be omitted from the Bill."—(*Mr. Chancellor of the Exchequer.*)

Mr. MONK said, it was not his intention to oppose the omission of the clause, although he did not think it would prevent the Revenue Departments from issuing any departmental Order with reference to their servants; but he went much further, he cordially agreed with almost every word that had fallen from the right hon. Gentleman the Chancellor of the Exchequer. He hoped it was understood, that it was not the intention of the Government immediately on the passing of the Bill to issue any General Order, requiring the officers of these Departments not to interfere in elections, otherwise than by recording their votes. He thought the Government and the Commissioners of those Departments might very well trust the public servants not to take any step which would be improper with reference to elections. As to the Amendments which the right hon. Gentleman had put on the Paper, he (Mr. Monk) assented to them all, and he thought the Bill when altered as the right hon. Gentleman suggested would effect a very great public service.

Motion agreed to; Clause struck out accordingly.

Clause 2 (Enactments in schedule repealed).

On the Motion of Mr. CHANCELLOR OF the EXCHEQUER, Amendment made in line 28, after "Act," by inserting—

"And any enactments reviving or continuing the same, or any of the enactments contained in the Schedule to the Act of the thirty-second year of Her Majesty, chapter seventy-three."

On the Motion of Mr. MONK, Amendment made, by adding at end of Schedule page 2, "2 and 3 Vic. c. 71, s. 6."

Clause, as Amended, agreed to.

Preamble.

On the Motion of Mr. CHANCELLOR OF the EXCHEQUER, Amendment made in line 8, by leaving out from "still" the "restriction" in line 16, both inclusive and inserting—

"Are still subject, to the suit of informers and others, to certain very severe penalties in relation to Elections for Members of Parliament, to which penalties other civil servants of the Crown are not subject."

whereas it is desirable to abolish such
 able, as amended, *agreed to.*
resumed.
reported; as amended, to be con-
 sidered upon *Thursday.*

FEES, AND PENALTIES BILL.

Serjeant Simon, Mr. Melly, Mr. Charley,
Rathbone, Mr. Mellor, Mr. Gourley.)

[BILL 59.] COMMITTEE.

considered in Committee.

(In the Committee.)

1 (The words "borough or
 'to extend to boroughs or places
 ; a separate commission of the
 and supporting a police force).
 HENRY SELWIN IBBETSON

ring the following Amendment, of
 he had given Notice; to add at
 clause—

vided that where any sum becomes pay-
 pursuance of this Act to the treasurer
 borough or place, which sum would, if
 had not passed, have become payable to
 surer of the county, riding, division, or
 in which such borough or place is situ-
 a if the person liable to pay such sum
 pay the same, and is imprisoned for non-
 t thereof in the prison of such county,
 division, or liberty, such borough or place
 said shall, in addition to any other sum
 contribute to such county, riding, divi-
 liberty, defray the expense incurred in
 of the conveyance, transport, mainte-
 nance custody, and care of such prisoner to
 such prison,"
 sections 18, 20, and 21, of 5 and 6 Vic. c.
 l apply to any expenses payable under
 ;")

sections eighteen, twenty, and twenty-one
 Act of the Session of the fifth and sixth
 f the reign of Her present Majesty,
 ninety-eight, intituled "An Act to
 the Laws concerning Prisons," shall
 any expenses payable under this Act
 same manner as if the borough or place
 ch such expenses are payable was a
 to which a separate court of quarter
 had been granted, and as if the prison
 ct of which such expenses are payable
 his Act were the prison of the county
 the meaning of the said sections of the
 ;"

he Proviso would carry out the
 ry objects under the Bill. It
 place the boroughs referred to in
 ll on the same footing as those
 quarter sessions; while those
 had separate quarter sessions of
 wn would not be affected by per-

. CCXIX. [THIRD SERIES.]

sons confined in the county gaol by com-
 mitment from the Assize Courts.

Amendment agreed to.

Clause, as amended, agreed to.

Remaining clause agreed to.

House resumed.

Bill reported, with new Short Title—
 [Municipal Corporations (Disposition of
 Penalties) Bill]; as amended, to be con-
 sidered *To-morrow.*

JURIES BILL—[BILL 18.]

(*Mr. Lopes, Mr. Gregory, Mr. Goldney.*)

COMMITTEE. [*Progress 21st May.*]

Bill considered in Committee.

(In the Committee.)

Clause 73 (Trials to be continued not-
 withstanding that the jury may be re-
 duced in number).

MR. SERJEANT SIMON: The clause
 proposed that in the event of the death
 or illness of any juror or jurors during
 any trial, civil or criminal, except only in
 a trial for murder, the Judge should have
 power, if he thought fit, to proceed with
 the reduced number of jurors, provided
 that that number should not in any case
 be less than five; or, in cases of murder, the
 number should never be less than 12. He
 (Mr. Serjeant Simon) had given Notice
 of an Amendment which would confine
 this power to civil cases only, but he
 would postpone it to the Report. He
 thought that to give this discretionary
 power to the Judge would be inconveni-
 ent and dangerous, and therefore he
 should, in the first place, propose to
 leave out the words giving this discretion,
 so that the clause should enact abso-
 lutely that the trial, in the case referred
 to, should go on with the remaining
 10 or 11 persons. He should afterwards
 propose, if it should be decided that in
 the case of murder the number of jurors
 should in all cases be 12, that the same rule
 should apply to trials for treason, mis-
 prison of treason, treason-felony, sedi-
 tion, and blasphemy. There ought to
 be every safeguard in a case in which a
 man was put upon his trial for political
 or religious opinion, and therefore in
 such cases he would take away the dis-
 cretion of the Judge to proceed with a
 diminished jury. Such a responsibility
 ought not to be thrown upon a single
 man, and if it was fit that the trial should

proceed with a diminished jury, the Committee ought to have the courage to say so. He proposed the omission of the words "civil or criminal, the Judge presiding at such trial shall have power."

MR. LOPES considered the clause a valuable provision of the Bill, which he was unwilling to relinquish, particularly as, since they were last in Committee, he had ascertained that all the Judges of the Court of Queen's Bench highly approved of this discretionary power being given. Further, they thought it would be almost a pity that murders should be excepted. He thought it would be better and more logical not to exclude it from the operation of the clause; but he should certainly refuse to include the crimes mentioned by the hon. and learned Member among the exceptions.

MR. MORGAN LLOYD suggested that the question should be reserved for the Report, when he would propose to strike out all exceptions, and provide that the trial should proceed when the number of the jury had not been reduced below 11. He thought this would meet all practical ends, for it was extremely unlikely that two members of the same jury would be disabled at the same time.

MR. GOLDNEY said, he thought it was necessary that discretion should be vested in a Judge to decide upon evidence as to the temporary character or permanence of a juror's illness, and to say whether the trial should proceed in his absence or not.

THE SOLICITOR GENERAL supported the clause, remarking that he could see no probable danger or inconvenience likely to arise from investing Judges with the discretionary power included in the clause. He approved of the exception of cases of murder. He believed the public would not be satisfied even with an unanimous verdict if it were returned by less than 12 persons.

MR. HOPWOOD said, it was illogical to provide for the illness or death of a jurymen, and not—what was much more likely to happen—for his stupidity or corruption. In the course of a long experience he had never known any serious inconvenience arise from the sickness of a juror.

SIR JOHN KARSLAKE thought the clause was a good one, as it would provide for rare and difficult cases. He saw no valid reason for refusing to con-

fer upon Judges such a discretionary power as was provided by the clause.

Amendment, by leave, *withdrawn*.

MR. SERJEANT SIMON moved to insert words extending the exceptions to trials for treason, misprision of treason-felony, sedition, and blasphemy.

Amendment, by leave, *withdrawn*, the words "any capital offence" inserted.

Clause, as amended, *agreed to*.

Clause 74 (Challenges in civil in the superior Courts).

MR. MORGAN LLOYD desired to place informations and indictments of misdemeanour on the same footing as civil cases in respect of peremptory challenges.

Amendment moved to insert, in 21, line 5, after "courts," "and trials of indictments for misdemeanours and informations."—(*Mr. Morgan Lloyd*).

MR. LOPES said, he would support the Amendment of his hon. and learned Friend, and would insert in the Interpretation Clause the Information intended to be covered.

Amendment *agreed to*.

MR. SERJEANT SIMON said, he objected to the clause that it limited the exercise of the suitor's right to call to a juror to a particular mode. The object of the clause was to enable the suitor to object peremptorily to a certain number of jurors; but he could only exercise that right by delivering to the officer of the court, in writing, a list of the names of the jurors, of the names objected to before they were called. This condition would entirely thwart the object of the clause. He should propose to strike out the whole of this direction.

An Amendment moved, page 8, after "number," leave out the end of clause.—(*Mr. Serjeant Simon*).

After some discussion, Amendment by leave, *withdrawn*.

Clause as amended, *agreed to*.

Clause 75 (Panel to be delivered to the accused in high treason), *agreed to*.

Clause 76 (Viewers not to be peremptorily challenged), *agreed to*.

Clause 77 (Criminal trials may be tried by special jurors.)

Mr. Serjeant Simon

LOPES moved an Amendment giving a Judge at his discretion to ~~case~~ involving a charge of felony tried by a special jury, as it was his he should have power to do in misdemeanour.

Amendment proposed,

“~~in~~ 21, line 29, to leave out from the information” to the end of the Clause, to insert the words “at the assizes or Criminal Court, on the application of a prosecutor or accused, a judge of the court may, if he think fit, direct the case to be tried by a special jury, provided that making the application shall give such shall be fixed by any rule of court to be hereinafter prescribed.”—(*Mr. Lopes.*) Motion proposed, “That those words be inserted.”

HOPWOOD objected to the proposal being allowed to apply to the case of a special jury. He thought the clause was an invidious one, which the court would find some difficulty in carrying out.

GREGORY urged that some cases such as charges of poisoning, beyond the capacity of a common jury. The sole object of the clause was to make a fair trial, and there were cases in which it was most desirable in the interests of justice that the court should be power to refer it to a special jury. The question was one which might fairly be left to the Judge. **HENRY JAMES** pointed out that there was more in this Amendment than appeared when viewed superficially. It was essentially class legislation. In the case of a night poacher or a tradesman being tried, the application on the part of the prosecutor for a special jury would result in placing in the jury-box the men who were most averse to the accused: the poacher would be opposed by landowners, and the tradesman by the employers of labour, and the result would be that the complaint would be the

OSBORNE MORGAN agreed with the hon. and learned Gentleman. The Amendment should be agreed to, as it might arise that in cases of emergency the prisoner would not have a fair trial on account of being tried by a jury of gentlemen.

GATHORNE HARDY thought the clause a reasonable one, and it gave facilities to both sides. The Judge should accede to the request of either

unless he considered the case one which required to be tried by a special jury. For himself he thought there were many cases in which a special jury might be had with advantage.

SIR THOMAS CHAMBERS thought the clause threw a slur on the tribunal which the Bill set up for the trial of criminal cases and it would be unfortunate if it were inserted in the measure. Common juries had hitherto disposed satisfactorily of the most difficult poisoning cases that had been submitted to them. Take for instance the Palmer Case, and the Essex poisoning cases, which occurred some years ago, and which required the utmost diligence and attention—yet the Essex jury were probably not above the ordinary run of jurors at assizes in capacity.

THE ATTORNEY GENERAL FOR IRELAND (**Dr. BALL**) believed the power of calling for a special jury would be sufficiently guarded from abuse by the necessity of obtaining the sanction of the Court. He did not suppose that in such venues as London and Middlesex the judge would exercise his arbitrament, but he might do so where the area of selection was narrow, as in the Welsh counties, and rescue the case from the hands of an incompetent jury.

Mr. GRANTHAM pointed out the fact that special juries were unknown in civil cases until they increased in importance. Of late years criminal cases had assumed particular importance, and on the same principle ought to be tried by special jury.

Mr. LOPES said, he was sorry to differ upon that clause from the hon. and learned Member for Taunton (**Sir Henry James**), whose kind and cordial assistance in regard to the Bill he gratefully acknowledged. That hon. and learned Gentleman said that though they might have a special jury in a case of misdemeanour they could not have one in a case of felony. But at the present day the distinction between a misdemeanour and a felony was nothing but a sentiment. The distinction was meaningless and practically obsolete. The clause, as it stood now, had received the approval of the Judges of the Court of Queen's Bench.

Mr. FLOYER said, that if the argument of his hon. and learned Friend were good the power given by the clause ought to be extended to the Quarter

Sessions, where the bulk of criminal cases were tried. The cases in which the new proposal would be acted upon were so few that it was not worth while raising the broad question of principle.

MR. RUSSELL GURNEY thought the Committee was losing sight of the main object—the insuring of right verdicts from juries of more, instead of less, intelligence; and, as the discretion was to be exercised only by a superior Judge, he could not see any objection to giving it. Applications were constantly made on behalf of prisoners for the removal of their trials from the Central Criminal Court, to a Superior Court, for the express purpose of securing a jury of a different character. If the Committee wished in felonies as well as misdemeanours to insure that there should be a jury of the greatest possible intelligence, they would support the Amendment of his hon. Friend the Member for Frome (Mr. Lopes.)

SIR HENRY JAMES said, that at present, cases of misdemeanour were removed to the Superior Courts by writ of *certiorari*, not for the purpose of obtaining a special jury, but because difficult points of law were involved. The effect of the Amendment would be to give to every rich misdemeanant the power of having a special jury. The less the Judge had to do with the selection of juries the better.

MR. FORSYTH supported the Amendment.

Question put.

The Committee divided:—Ayes 119; Noes 107: Majority 12.

Question proposed, "That the Clause, as amended, stand part of the Bill."

SIR HENRY JAMES gave Notice that on the Report he would move the omission of this clause.

MR. J. G. TALBOT thought the clause was an entire innovation on the practice of the criminal law, and he thought it most important that it should be challenged on the Report.

MR. LOPES said, he could on no account relinquish this clause. The Committee had given its decision, and those who desired to do so might challenge it, if they deemed expedient, at a future stage.

SIR THOMAS CHAMBERS moved that the Chairman report Progress.

Mr. Floyer

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Sir Thomas Chambers.)

The Committee divided:—Ayes 93; Noes 110: Majority 17.

MR. KNATCHBULL - HUGESSEN was of opinion that an important change in the law had just been carried under very peculiar circumstances; and, with the view of giving Government an opportunity of re-considering their position in the matter, he moved that the Chairman should leave the Chair.

MR. GATHORNE HARDY thought the right hon. Gentleman somewhat dictatorial in his manner of giving advice to Her Majesty's Government, and submitted that the usual course was to renew the opposition on Report. Considering, however, that the minority in favour of reporting Progress was large, he would suggest to his hon. and learned Friend (Mr. Lopes) that it might be better to yield to that desire.

MR. KNATCHBULL - HUGESSEN disclaimed any wish to be dictatorial, and expressed a readiness to withdraw his Motion if the proposal to report Progress was accepted.

MR. LOPES acceded to the suggestion of his right hon. Friend (Mr. G. Hardy). Motion put, and *negatived*.

SIR THOMAS CHAMBERS again moved that the Chairman report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Sir Thomas Chambers.)

The Committee divided:—Ayes 182; Noes 11: Majority 171.

House resumed.

Committee report Progress; to sit again *To-morrow*.

PAYMENT OF REVISING BARRISTERS BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Law relating to the payment of Revising Barristers, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 127.]

SANITARY LAWS AMENDMENT BILL.

On Motion of Mr. SCLATER-BOOTH, Bill to amend and extend the Sanitary Laws, *ordered* to be brought in by Mr. SCLATER-BOOTH and Mr. CLARE READ.

Bill presented, and read the first time. [Bill 128.]

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, 2nd June, 1874.

MINUTES.]—TOOK THE OATH—Several Lords.
PUBLIC BILLS — *First Reading* — Holyhead
 Old Harbour Road*; Local Government
 Board's Provisional Orders Confirmation
 (No. 3) * (82).

Second Reading—Church Patronage (Scotland)
 (72).

Withdrawn—Landed Property (Ireland) (No. 2) *
 (76).

NEW PEER.

The Right Honourable Edmund Ham-
 mond, having been created Baron Ham-
 mond of Kirkella in the town and county
 of the town of Kingston-upon-Hull—
 was (in the usual manner) introduced.

CHURCH PATRONAGE (SCOTLAND)

BILL. (No. 72.)

(The Lord President.)

SECOND READING.

Order of the Day for the Second Read-
 ing, read.

Moved, That the Bill be now read 2^d.
 —(The Lord President.)

THE EARL OF SELKIRK, in rising to
 address the House in opposition to the
 Bill of the noble Duke, said, he did so
 with feelings of great pain. It was most
 painful to him to find himself in a posi-
 tion of antagonism to the noble Duke,
 under whose leadership he had hoped to
 have continued. Nothing but a feeling
 of imperative duty would have induced
 him to place himself in such a position;
 and it was the more painful when he con-
 sidered that this measure, the first pro-
 posed here by the new Ministry, from
 whom he had hoped the country would
 have experienced a respite from this
 style of legislation, should contain a
 serious inroad upon the rights of prop-
 erty; and he was also convinced would
 be most disastrous to the true interests of
 Christianity in Scotland, more so, indeed,
 than any measure he recollected brought
 forward since he had been a Member of
 that House. Why the measure had been
 brought forward he could not under-
 stand. There was little agitation in
 Scotland on the subject; none at all, in-
 deed, in the district with which he was
 connected, and at the recent Elections
 few questions were put upon the subject

to the candidates on the hustings. The
 agitation, in fact, was purely clerical,
 and originated with the High Church
 party in the Church Courts. Though
 not present when the Bill was first
 brought forward, he understood that the
 noble Duke had gone into the history of
 this question, and if the House would
 condescend to listen to him, he wished
 to go at some length into this history.
 It was a mistake to suppose that there
 was any real grievance on this subject in
 Scotland. The feelings of the people
 were almost always consulted by the
 patrons; but this was not enough for
 the High Church party in the Church
 Courts. In order to explain this prop-
 erly, he must begin far back in the
 history. When at the Revolution of
 1688 King William came to the Throne,
 he found the Episcopal Church estab-
 lished in Scotland, and in possession of
 the endowments, such as they were; but
 as the clergy of that Church were nearly
 all non-jurors—that was to say, disaffected
 to the new Government, he transferred
 the endowments to the Presbyterian
 Church, which, though crushed by
 Cromwell, and disestablished and dis-
 endowed at the Restoration, still pre-
 served something of the organization
 created shortly before the breaking out
 of the Civil War, at the time of the
 "Solemn League and Covenant." The
 Presbyterian Church was placed in pos-
 session of the endowments, and, in fact,
 established by the Act of 1690; but in
 the first Act there was no mention of
 patronage. It would seem that it was
 an after-thought upon the part of the
 leaders, and it was clear that their
 intention in that Act was to keep the
 power of appointment in the hands
 of the clergy. This was done very
 skilfully in the second Act by giv-
 ing the power of appointment to the
 "Heritors" and "Elders." Now, the
 "Heritors" being at that date defined
 as proprietors of lands and heritages to
 the amount of £100 a-year, were of
 course a limited body, while the
 "Elders," though nominally elected by
 the congregation, were virtually ap-
 pointed by the minister, and their num-
 bers not being limited, any minister who
 wished to appoint his successor had
 merely to keep up the number of Elders
 so as to out-vote the Heritors, who at the
 same time were called upon to pay a sum
 of 600 marks, 400 from the Heritors,

and 200 from the life renters, to compensate the patron. This sum, compared with the incomes derived from the stipends at that time was considerable. This law continued in force for 21 years, and during that time there were 19 or more disputed settlements, while only in three or four instances the advowson was purchased under the Act. Why the Act remained so much a dead letter he could not tell, but it might have been that the Heritors were not inclined to pay for giving power to the clergy, and it must also be recollected that at that time the country was only beginning to settle down from a state of turbulence and lawlessness that had lasted, with little interval, for 200 years. In the year 1711 an Act was passed restoring to the patrons their rights, and under that Act the Church had gone on ever since. The clergy of course did not surrender their power without remonstrance, and it appeared that the Commission of the General Assembly remonstrated in no very measured terms, as was seen in the Acts of Assembly, May, 1712; but it was a remarkable fact that in this remonstrance more prominence was given to the Act granting toleration to the Episcopalians, which had passed in the same Session, than to that restoring the patronages. The subject came up again in the General Assembly of 1715, on the accession of George I., and again the toleration to Episcopalians was put before, and seemed to be regarded as a greater grievance than the law of patronage. In this Act of Assembly it appeared that there was really some grievance to complain of, for the patrons used their power—at least, that was the statement of the Assembly—to keep parishes vacant, themselves appropriating the stipends. After this remonstrance, the matter did not appear in the Acts of Assembly for some years, though no doubt the very High Church party were anxious to recover the power they had lost—at least, he could find nothing on the subject in what was printed of the proceedings of the Assembly—till the matter was stirred at the time of the secession of Mr. Ebenezer Erskine, the first notice of whom he found in 1725, when he appealed to the Assembly against a decision of the Synod of Fife ordering him to produce a certain paper. In 1732 he again appeared in the Church Courts, and at that time he and his friends put in a protest, which was not

considered respectful to the Assembly, and he was desired to withdraw it, which he refused to do. The Commission was empowered to depose him in case of contumacy; but there was another Act in 1734, which was conceived in a very lenient spirit, and showed an inclination to deal mildly with the party, who, as far as could be discovered by the sequel, seemed to have gone on abusing the Church Courts in their sermons. It was remarkable that having looked through all the records of proceedings about Erskine and his friends, he never found the word "patronage" used; but it appeared that in 1734 or 1735, some members of the Assembly went to London to remonstrate with the Government, and to endeavour to get the law of patronage modified, and there were several notices in the records, of this deputation, and of a second sent in 1736; but he was not able to find the answer given to the Memorial that they handed in and laid before the King and Parliament. The final deposition of Erskine did not take place till 1740, when eight ministers were deposed. He had seen a manifesto subsequently published by the seceders, called "A Re-exhibition of Testimony," in which the grievance of patronage, which was now commonly believed to have been the point upon which the secession took place, was put quite in the background; the oaths of allegiance and supremacy, the toleration given to Episcopalians, the repeal of the statute for burning witches, and the observation of Christmas by the Law Courts being put quite as far forward; but the main point they aimed at seemed to have been that every minister should do as he pleased in his own parish, without control of the Church Courts, and all this in the year 1733! After that time, the question seemed to have been set at rest, at least, he only found occasional notices of appeals upon disputed settlements, probably owing to some very High Church Presbytery refusing to acknowledge the right of the patron. There was one such case in 1743, where the Presbytery of Gairloch tried to settle a minister in the parish of Loch Broom, entirely ignoring the existence of any right of presentation by the Earl of Cromartie. After that time, the majority of the General Assembly was generally in the hands of the "Moderate," or Low

Church party. About the year 1820, some agitation took place under the guidance of Dr. Andrew Thompson, who organized a society to buy up advowsons, the patronage being to be exercised by the congregation, who were expected to pay a part of the cost, under the control of the Anti-Patronage Society, as it was called. This scheme, however, soon fell to the ground, for want of funds, for at that time advowson property was considered valuable. The next move was the agitation that led to the "disruption," or the secession of the Free Church, as it was called. The High Church party in 1834, having become the majority in the General Assembly, passed an Act whereby, if a majority of the male heads of families—communicants—expressed a dissent without giving reasons, the presentation was considered void. When the question was debated in the General Assembly the Lord Justice Clerk Boyle said that in his opinion they were going beyond their jurisdiction. A contrary opinion was expressed by Lord Moncreiff. For some years this was submitted to; but two or three years after, in the case of the parish of Auchterarder, the case was brought before the Civil Courts, who in a very elaborate judgment by the whole of the Judges of the Court of Session, decided against the legality of the veto, and then the fatal step was taken by the General Assembly, that though they could appeal the case and take the benefit of the decision if in their favour, they could not be bound by it if it was adverse. In the meantime, another case came up in the Presbytery of Strathgogie, and that body, obeying the decree of the Court of Session, treated the veto as a nullity, and for doing so were first actually persecuted, and then threatened with deposition by a majority of the General Assembly. An interdict from the Court of Session to put a stop to these proceedings was the immediate cause of the secession of the Free Church. He should have said that the Auchterarder case had been decided in their Lordships' House, having been pleaded by the late Lord Campbell, then Attorney General; and under that decision Mr. Young, the presentee, was settled, and became an excellent and popular minister. After that, the question was at rest for about 20 years or more. He wished further to consider for a mo-

ment the probable effect of this measure if it passed. In the first place, every vacant parish must be the scene of an electioneering contest. Whether the passions that that would evoke would be of benefit to Christianity he left the House to judge. There was another point to which he wished to call attention, and that was the effect upon the character of the clergy. It seemed to him that no one would have any chance of preferment who was not a good canvasser and skilled in all the arts of electioneering. Their Lordships might judge what effect this would have upon the character and usefulness of the clergy in future, and he begged to remind the noble Lord upon the Woolsack of what he had said the other night when the Motion of a right rev. Prelate was under discussion, of the effect of popular election when applied to the clergy. He wished also to call attention to the fact that this Bill gave almost unlimited powers to the Church Courts—that was to say, to the General Assembly. Now, from a long acquaintance with that body, he was bound to say that he did not think it very well adapted to exercise these powers. It was, in fact, a very impulsive, and in its nature a very fluctuating body. Nominally the ministers and elders were elected by the Presbyteries; but in nearly all the Presbyteries the ministers took it in turns to attend. The Assembly only sat for ten days, and in that way the most of the clerical members only attended for 10 days once in four or five years. That of course threw the whole of the management of the business into the hands of some of the Professors in the Universities, and some legal gentlemen in Edinburgh who sat as elders in the Assembly. In endeavouring to get the appointment of ministers into their own hands, the High Church party had always had a double object in view. One, the very natural wish to secure all the valuable preferments for their own friends, and the other, to secure their power by keeping the majority of the Church Courts in the hands of their own party. The compensation to be given to patrons seemed to him absolutely nugatory. It was absurdly small in itself, and he did not see how any man with proper feelings could exact it, considering how it was to be paid. The clergy in Scotland were generally poor, not because the en-

dowments were small, for that was not the case, but because men who came into the Church very rarely had any private means; indeed, it was far too often the case that a young man was already in debt for the expense of his education before he could get any preferment. Now, the compensation was proposed to be paid by taking one-fourth part of the stipend from the minister just at the time that his circumstances were such that he could least afford it; for the expense of furnishing his manse, as well as other expenses connected with his induction, always pressed heavily upon a young minister in coming to a parish. There was just one point more to which he wished to advert. It might be objected to what he said as to the evil consequences of the measure to the true interests of Christianity, that as the patrons were in the habit of consulting the wishes of the parishioners, all this evil must be already in existence, and had already taken place. To this he answered that there was a very great difference between the gratuitous consulting of the people's wishes by the patron, and giving the right of presentation to them in property; and that in case of a contention arising between the favours of two candidates that threatened to divide the congregation, it was of the greatest use that the patron should have the power of telling them that if they could not reconcile their differences he would present some other licentiate. For those reasons he moved that this Bill be read a second time that day six months.

An Amendment *moved*, to leave out ("now") and insert ("this day six months").—(*The Earl of Selkirk*.)

THE DUKE OF ARGYLL*: My Lords, as I was not able to be present when my noble Friend opposite introduced this Bill, and when several noble Lords expressed their opinions on it, I hope the House will allow me to take thus early an opportunity to-night of stating the point of view from which I have come to regard the question of Church patronage in Scotland. It is now several years—12 or 14 years I think—since some leading ministers and other members of the Church of Scotland began to make up their minds that an alteration of the law of patronage as regulated by what is called Lord Aberdeen's Act had become necessary for the welfare of that

Church. As I had the honour to be one of three Members of your Lordships' House who hold an exceptionally large number of patronages, possessing as we do somewhere about 90 livings, and as I was the only one of the three who was a member of the Church and also a Member of the Government, those gentlemen naturally applied to me for some expression of opinion and advice. I told them that, as regarded my own patronage, I was entirely at the disposal of the Church, that it was more of a burden than a privilege to me, that it could only be exercised in the spirit of the change which they desired, and that, as for myself, I should offer no opposition either to a farther modification, or to the abolition of patronage. In consequence of what had thus passed with those gentlemen, I put myself in communication with the noble Duke opposite (the Duke of Buccleuch) and the late Lord Zetland, being the two Peers who, with myself, held the largest number of patronages; and I soon found that, without pledging themselves to any particular measure for the abolition of patronage, they felt very much as I did as regarded the desirability of a satisfactory settlement of the question. But, my Lords, I also became aware that in respect to a substitute for the existing system of patronage there would probably arise great differences of opinion, and I satisfied myself that the time had not then come for the introduction of any measure on the subject. Accordingly, my advice to the leaders of the Church has ever since been this—"Avoid coming to Parliament for anything, if you can possibly help it. However just or desirable in itself may be the change which you desire, or however useful for the Church, avoid as long as you can coming to Parliament at all." Why did I give this advice? Because, my Lords, I have long been of opinion that on all questions affecting the relations between Church and State the condition of the public mind and of the mind of Parliament is simply chaos. I think the most rev. Prelate (the Archbishop of Canterbury) is now having some experience as to the confused state of the public mind on all questions relating to Church Establishments. It would be very difficult, indeed, to say what is the prevailing sentiment. Bishops without authority—congregations without discipline—churches without govern-

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ment—religion without theological belief—these appear to be the devoutest aspirations of public writers, and of not a few public men. And so now in the same spirit I hear of propositions being thrust upon the Established Church of Scotland from without which would be fatal to her. I hear of proposals that her ministers should be elected, not by those who adhere to her, but by those who are her avowed enemies. It was not without reason, therefore, that I was afraid that if the Established Church of Scotland came to Parliament she would not get what she really wanted, but would have thrust upon her some measure, in the name of reform, involving some gross violation of all principle, and which would be disastrous to her. Then, my Lords, at a later period I knew that the last Parliament was a peculiarly unfavourable one for dealing with this question. It was elected under the impulse that arose out of the proposal to disestablish the Irish Church. The Government which proposed the disestablishment of that Church did not do so on the ground that there was any abstract or general objection to all Church Establishments. Quite the contrary. It is true that some individual Members of the late Ministry entertained opinions adverse to all Church Establishments—opinions which they never disguised; but the late Government uniformly declared that the measure for the disestablishment of the Irish Church was a measure founded exclusively on the special conditions of Ireland, and afforded no precedent whatever for any similar measure in respect of England or Scotland. My Lords, that declaration on the part of the late Government, was made with the most perfect sincerity and truth. But nevertheless the atmosphere of the late Parliament was unfavourable to Established Churches. There were many Members elected by large constituencies who were shy of the subject—who desired to avoid if possible having anything to do with it, and especially assisting to pass measures, however reasonable, for amending and improving Established Churches. Those who have had experience of the course of public affairs in this country know very well that no declarations or explanations of Government can avail to alter what I have called the atmosphere of opinion under which a House of Commons has been elected, and it is

this—and not verbal definitions—that makes particular measures possible or impossible. My Lords, it appears to me that the time has now fully come when public men ought to make up their minds on these questions, and ought to say what they think in regard to them. For myself, then, I say at once that I see nothing liberal in a general policy of Disestablishment. On the whole, Established Churches are more liberal than disestablished ones. If they have any fault, it is perhaps rather an inclination to be too liberal and too comprehensive almost to indifference. I see nothing, therefore, connected with Liberal politics in a general policy of disestablishment. My Lords, my views on Church Establishment may be very shortly told. I hold that the question of Church Establishments is entirely a question of circumstances. I do not believe in the abstract duty of the State to establish churches, nor do I believe it is the duty of churches to, in all cases, accept establishment. It is, as it seems to me, entirely a question of the social and religious condition of the country in respect of which the question may be raised. But this I do say—that those conditions of society and of religion which make a near connection between Church and State possible are higher and happier conditions than those which are incompatible with that connection. I certainly am not prepared to say, nor do I believe it to be true, that these last conditions are ours; and, this being so, I wish to approach every measure bearing on our Established Churches with a desire to strengthen and uphold them.

My Lords, these remarks on the abstract question are not irrelevant; they are infinitely more relevant than the musty old documents quoted by my noble Friend. I should be ashamed of intruding on your Lordships any opinions of my own upon such a subject, if it had no immediate bearing upon the measure before us. It is, however, avowed by friends and foes that this measure, if passed, will strengthen the Established Church. It is proposed by the Government for that purpose, and it is opposed by others upon no other ground than because it does tend to strengthen an Established Church. I am in favour of it on that ground alone, provided it is otherwise just and expedient; others are against it on that ground alone, whether

it is just and expedient or not. That is the whole difference between those who support and those who oppose it.

Coming now, my Lords, to the measure itself, I think my noble Friend (the Duke of Richmond) is perfectly right in recognizing the principle of compensation to patrons. It is often said that patronage ought not to be deemed a right of property, but a trust; but there is no essential opposition between the two terms. There may be a right of property which is a trust, and a trust which is a right of property. Patronage in the eye of the law is a right of property, transmitted to heirs, and purchasable in the market; yet it is also, and is generally recognized to be, a trust for public purposes. Patronage had probably the same origin in England and in Scotland, but since the Reformation the history of the institution has been wholly different in the two countries. The only complaint I make is, that in assigning one year's stipend of the living as the amount of compensation my noble Friend is giving patrons very much more than they could ever get in the market. Patronage in Scotland ever since the Reformation has been a right qualified by many and great limitations—at all times by the standing declaration on the part of the Church that nobody was to be intruded on congregations against their will—sometimes by a very large discretionary power on the part of the Church Courts to consider objections by the people, and to reject a presentee if unqualified for the particular parish; at other times by the adoption of a system approaching to direct election. Never since 1560 has it been the unqualified and absolute right which exists in England, and the qualifications were so serious that patronage has practically become unsaleable. Who would give money for a right of presentation which might be checkmated at any moment by the wishes of the people or the decision of the Church Court? I hardly ever hear of livings being sold at all. No doubt, when an estate is sold, patronage is frequently transferred with the estate, and may sometimes be considered in the price. There have been cases, too—one in my own experience—of the exchange of patronages; but I have never heard of their being sold for money, and, if they were, they would bring next to nothing. The last time it was tried, by an Act declaring that the

patronage of the Edinburgh churches might be bought, nobody would bid, and another Act was therefore soon passed giving the patronage to the new bodies desired, without any compensation to the patrons. And no wonder that patronage has become unsaleable, when we look at the existing law which regulates and controls its exercise. In order to illustrate this point, I will now read to the House some of the objections to presentee which have been actually sustained under Lord Aberdeen's Act, and have resulted in the presentation being rendered void. I suppose we may divide preachers into those who are dull or not very able, and those who are not dull but more or less eloquent, and I will show your Lordships that it is possible under that Act to reject both. Here is a finding fatal to a dull, ordinary preacher—

"His sermons are confused and ill-arranged, and do not exhibit such an exposition and illustration of Divine truth as are fitted to edify the people of Banff."

That was conclusive against the presentee, and on an appeal to the General Assembly it verified and adopted these objections. Now, my Lords, we have all had our own experience of sermons—I ask your Lordships—What value would English patrons put on their patronage if every clergyman whose sermons could be pronounced "confused and ill-arranged" were rejected? There are several other cases of the same kind, and I quote from official documents. Here is one—"The trial discourses preached by the presentee were ill-deduced and unedifying."—Here is another—

"That the discourses were not edifying; that the subjects for the most part were disconnected with the texts, and that the discourses themselves were not connected one part with another."

Again, my Lords, I ask—What percentage of the clergy might not be rejected if such were the state of the law in England? Well—but this is how the rather dull men are got rid of; but there is another way in which clever men—men too clever by half, who do not suit the people—may be got rid of also. Here is another finding of the General Assembly—

"That the style of the discourses preached by the presentee in terms of the order of Presbytery is confused and bombastic, and that the general character of these discourses is ~~fitting~~."

The Duke of Argyll

reduce the impression that the object of them is rather to display the rhetorical powers of the preacher than to present correct views and calculate sound lessons upon his hearers."

Now many eloquent preachers might be rejected under this decision! fifty thousand other objections of the same character might be and would be conclusive in the minds of the Church Courts when they think the presentee unacceptable to the people. But the Church Courts are thus placed in a very ridiculous position as regards the presentee, and in a position very hard and unfair as regards themselves. It is fatal to the presentee, because a man with such sentences as these upon him becomes at once a marked man all over Scotland; he can never hope for another living:—and the position is unjust to the Church Courts, because it places them under duress of conscience to find objections to a man's sermons when a real objection may simply be that he is unacceptable to the congregation. Under these circumstances, my Lords, I think I have justified my statement that a year's stipend is far more than most men can generally get in the market; my noble Friend is, nevertheless, perfectly right in adopting the principle of compensation, and I will not quarrel with the Bill on the question of amount, especially as there is a statutory precedent. I only wish to point out to those noble Lords who are connected with English patronage that no precedent as regards value can be founded upon this Bill, the past history and present incidents of patronage in the two countries being so totally different.

My Lords, I now pass to another aspect of the Bill, in respect to patrons in which it has been presented by a Member of this House, who is unfortunately unable to be present at our debates, but who has communicated his opinions in a letter to *The Daily News*. My Lords, I much regret having to comment on that letter in the absence of Lord Minto. Everybody who knows that noble Earl must know that no one is more incapable than he of intentionally saying anything in a spirit of assumption, either as regards himself, or as regards the class to which he belongs. And yet I cannot but regard with extreme regret the fact that Lord Minto presented patronage as the main, the only connection between

the Church and the nation, and has consequently assumed that the abolition of patronage would be equivalent to a dissolution of that connection. It does seem indeed strange and incredible to me that such an argument as this should be adopted by any Scotch Peer. But, as I see it is more or less repeated by others, it is my duty to point out to your Lordships how weak it is. And for this purpose will my noble Friend, the noble Marquess opposite (the Marquess of Salisbury), allow me to borrow for a moment that personage whom he once introduced so effectively to your Lordships, and over whom he has been supposed ever since to have a special guardianship—I mean the "intelligent foreigner?" Let us suppose this intelligent foreigner to be well informed on the remarkable history of the Church in Scotland—that he knew how its Confession of Faith had been embodied in Acts of Parliament as the only confession of faith known to the law in Scotland—that he knew of the recognition of the jurisdiction of the Church in all her Courts by the civil law—that he knew how all her decisions within her own legitimate province are enforced by the civil law—and, above all, that he knew how the nation is represented, by a large infusion of the laity, in her General Assemblies—to such an extent that every one of the Royal burghs of Scotland has, as such, a right to send a member to the General Assembly—suppose him to know all these things, and that I, or Lord Minto, or some other patron were now to say to him, "Oh yes, all that you have heard on those matters is perfectly true; it is true that her confession of faith is adopted by law, that her Courts are recognized and their jurisdiction enforced by the law, that her Assemblies represent her people by a full and complete association of the laity—but these are not the things which constitute her an Established Church—these are not the things which connect her with the nation. That which really constitutes this connection is that I, and some 200 other gentlemen like me, have the legal right of presenting to livings—in this resides the whole essence and virtue of the Church Establishment and its connection with the nation." What, my Lords, do you think the intelligent foreigner would think of my intelligence

in this assertion? Yet this is the proposition, gravely put before the public by a Peer of Scotland—that if patronage were abolished the only connection between Church and State would be abolished with it. As one of the largest patrons in Scotland, I repudiate this claim on behalf of our class. It is not only unfounded, but it is in the teeth of all the facts of history. The fact is, my Lords, though the law of patronage has been kept up from time to time, it has been essentially an excrescence, an extraneous element; and notwithstanding the desire of patrons generally to act in conformity with the spirit of the people, nevertheless it is an historical fact that it has been a perpetual cause of dissension in the Church of Scotland, and the origin of all the secessions from her.

I now come to another part of the Bill of my noble Friend, which is in the minds of many the real difficulty of this measure, and that is the proposed substitute for patronage. My noble Friend proposes that the right of patronage, or more properly the right of selection of the ministers, shall be vested in the communicants of the parish. Now, there are two parties who object to this constituent body—parties who come from nearly opposite directions, but who unite in objection to the word “communicant.” There are, on the one hand, those who are disposed to object to this particular mode of defining the congregation; there are, on the other, those who object to confining the election to the congregation at all, and who desire to give the right of election to all—whether they be members of the Church or not. I shall deal with these two objections separately. With the first objection I have, I confess, a considerable amount of sympathy. In the old Acts of the Scotch Parliament which express the mind of Parliament upon the rights of the people in this matter, the word used is never “communicant,” but always “congregation.” Down even to Lord Aberdeen’s Act the word “congregation is always used, never “communicant.” But then I beg your Lordships to remember that in the old times, when those Statutes were passed, the assumption of the law was—and it was a true assumption—that substantially every man in the parish was a member of the congregation, and that every member of the congregation was a communicant. The word “congrega-

tion” meant then something more definite than it does now. But here a difficulty arises, and I beg the House to remember it, in justice to my noble Friend opposite, and in justice to the Bill. In dealing with an Established Church, with a legal position which is to be acquired in a certain definite manner cognizable by law, you require some legal definition of the constituent body. A non-established Church, a Free Church, escapes the difficulty of legal definition. The Government were in this difficulty. You must either take the definition of a congregation which is usual in the Presbyterian Churches; or you must adopt a new definition of your own, which is very difficult; or you must do without any definition of the congregation at all, and leave the matter to the ratepayer—a course to which, for reasons I hope to make plain to the House, I have insuperable objections. There is a suggestion, however, I would venture to make. I think it is desirable, if possible, to put in the old word “congregation,” the word used in the various older Statutes; and you may evade the difficulty of Parliamentary definition by placing the definition in the hands of the General Assembly. They are disposed to include everybody they can include. The ordinary use and wont of the Presbyterian Churches is undoubtedly to appeal to the communicants. But there are many persons from year’s end to year’s end taking advantage of the other services of the Church, but not actual communicants, who would undoubtedly, in many cases, be considered by the Church Courts as valuable members of the congregation. I do not know whether the suggestion I have made can be worked out in a clause of an Act of Parliament, but this I will say—it is in strict conformity with the constitutional usage of Parliament towards the Church of Scotland. It is a curious fact that the General Assembly of the Church of Scotland, which has such large powers of ecclesiastical discipline and legislation, has never been defined by Act of Parliament. The earliest Acts of Parliament speak of it as an existing body; and when they refer to the General Assembly of the Church, they always speak of it as “the General Assembly appointed by said Church.” I would, therefore, suggest to my noble Friend to see whether,

before we go into Committee, the word "congregation" could not be added to "communicants;" leaving it to the Church, by her constituted organs, to define and regulate the terms of membership.

I pass now to the other alternative, which has been supported by a number of distinguished men, and that is that you should give the election of the ministers of the Established Church to the ratepayers, whether Roman Catholics, Dissenters, or anybody else. Now, my Lords, I am not one of those who hold any extreme views on the subject of what is called spiritual independence. If we are to go to abstract principle, it has always appeared to me that the civil authority in every country must be the supreme authority in deciding what it can afford to tolerate in Churches—and this whether they be established or whether they be free. But this I will say—that whatever liberty is left to a Church which is established, or may be allowed to a Church which is free, must be a liberty exercised by its own members, and not by the members of hostile communions. To adopt any other rule, would be to introduce absolute confusion, incompatible with the very existence of any organized and constituted society—would deprive it of all terms of membership, and would allow the highest functions of the body to be exercised by those who not only do not belong to it, but who tell you they will never belong to it, and that they desire its destruction. And is it conceivable, is it possible, that Members of the Liberal Party, in the name of liberality, after objecting to the intrusion of ministers upon congregations by lay patrons—who, after all, are men in high position, and who act in a spirit of responsibility—is it possible, I say, that they would allow the consciences of congregations to be violated by majorities of ratepayers who may not possibly be members of any Christian Church? My Lords, these are the propositions which justify me in saying that men's minds are wholly adrift on such questions—"wild and wandering cries," which are nothing but "confusions" of a time, becoming every year more and more incapable of dealing with such problems. All the Presbyterian bodies in Scotland would be equally opposed to so gross an innovation on principles which are equally dear to all.

They might, indeed, be tempted to rejoice over such a degradation of the Established Church, which would, indeed, remove all risk of their people being attracted to it. My Lords, I have no hesitation in saying that if the time should ever come when the individual branches of the Church of Christ are unable to ally themselves with the State without having this element of confusion forced upon them in the name of liberality, I, for one, shall be in favour of disestablishment, and shall desire to see all Churches in the position of complete freedom and independence.

I wish now to say a few words in regard to another theory which is made a ground of opposition to the Bill of my noble Friend. It is said—"The minister is now the minister of the parish, but you would make him the minister of a sect," and this phrase is repeated from mouth to mouth without much thought apparently of what it really involves and means. Let us examine this phrase to see how empty it is—let us prick this bladder of words, and it will burst. In what sense, my Lords, is it true to say that the minister is the minister of the parish? I remember that many years ago my right rev. Friend, Bishop Wilberforce—whose loss we have all so lately mourned and deplored—opposed the "Papal Aggression," as it was then termed, on this ground among others—namely, that the Bishop of every diocese had an inalienable right to the allegiance of all persons dwelling within a certain geographical area. At the time I ventured very humbly to enter my protest against that ground of opposition to the "Papal Aggression," and I still maintain that whether this claim be advanced by Bishops, by priests, or by ministers, it involves a gross confusion of thought. It is true, indeed, that an Established Clergy are a clergy for all—in this sense, that their services are open to all who desire to take advantage of them by accepting the terms on which they are offered. But a Bishop or a minister is not the Bishop or minister of those who do not choose to come to him, who do not require his ministrations, and who do not accept or approve the terms on which these ministrations are offered. He has no rights over them, and they have no rights over him. Any other definition of territorial jurisdiction makes religious truth and reli-

gious belief—what the Italian people were once said to be—"a geographical expression."

And now I come to the practical working, on which my noble Friend who has just sat down dwelt to a considerable extent. My noble Friend says—"You will have all the evils of a popular election in every parish." In England I am aware that the popular election of ministers—at least, by a ratepaying constituency—does produce considerable confusion, and I am not here to recommend it anywhere; but in Scotland it is the old constitutional system that the congregation shall, in one form or another, have a decided voice in the selection of their ministers. They are accustomed to the exercise of that power; and after 25 year's experience in regard to patronage, I say, in answer to my noble Friend, that the ministers whom I have allowed the congregation to select have been generally well selected. I can say more. At first I used not to consult the congregations so generally as I do now; but I must admit that the ministers selected by them have, on the whole, been better men and more satisfactory ministers than those whom I presented myself. I assert, therefore, as a matter of fact, that the habits of the people of Scotland enable them to exercise this privilege with success. It is universally exercised in the unestablished Churches, and why should it not be also exercised in the Established Church? At this moment there is a vacancy in a parish of which I am patron, in the Vale of Leven, at the foot of Loch Lomond. Well, I could no more present any man I liked to that congregation than I could fly to the moon. The course I have taken when vacancies occurred in that parish has been to consult my friend Mr. Smollett, who was long Member for the county, and who is a resident proprietor and member of the congregation. A committee is formed, who look out for suitable men, and I have always found that the congregation had better facilities than I had for finding out who were the best candidates to be had. And, my Lords, on this subject, I have been astonished at a paper signed by Dr. Cook, the leader of a small minority who opposed this Bill in the General Assembly which has just been held. It states that the people have not the same opportunity

as a patron of finding out the qualifications of presentees. My opinion is, on the contrary, that the people are generally much better qualified than the patrons. There is nothing more unsatisfactory than forming a judgment from testimonials. Your Lordships must remember that the clergy of the Established Church of Scotland do not generally occupy so high a social position as the clergy of the Established Church of England. Many of your Lordships have personal friendships, formed at College or elsewhere, with clergymen whom you know to be men of the highest Christian character; but we have not, generally speaking, the same personal knowledge of the presentees in the Church of Scotland. Consequently, we must rely to a great extent on the testimony of others, and I have usually found that such testimony is entirely unsatisfactory.

I now wish to say a few words on the conduct of the other Presbyterian Churches, and in the first place I beg your Lordships to observe that none of them have petitioned against this Bill on its merits. They have violently abused the Government for venturing to introduce it, but they have not themselves ventured to oppose it, except as tending to strengthen an establishment, and therefore to postpone universal voluntarism. The finding of the Free Church is the most comical document I ever read. I will not trouble your Lordships with the words, but it amounts to this:—"We have nothing to say to the merits of this Bill. We do not feel that we have any business with it. As regards the interests of the Established Church, and how far it will promote those interests, we do not consider ourselves entitled to express an opinion." But then they proceed to remark that it is extremely unbecoming of the House of Lords to consider a Bill for advancing the interests of the Established Church without first consulting them—although they have nothing to do with it. It is remarkable, however, as I have said, that neither the Free Church nor the United Presbyterian Church have ventured to oppose this Bill upon its merits—that is, upon the mode of selecting ministers which it proposes to sanction—because they know it is in general unison with the whole feelings of the people of Scotland, and that it is precisely the solution of the difficulty as regards the election

The Duke of Argyll

of the ministers which they have themselves adopted. This Bill has not been recommended to the House as a means of re-union with other Churches. It has been prepared for the benefit of the people of the Established Church, with which alone it deals, and who, on the very lowest calculation, form a portion of the people of Scotland more than large enough to justify the special action of the Legislature. As regards re-union of the Churches, I have always said there is no hope whatever of the re-union of the Free and Established Churches, except on the ground of Disestablishment; for, independently of principle, there are insurmountable physical difficulties in the way. Nine hundred ministers are supported by voluntary contributions, and what would become of them in the event of any admission that the causes of separation have been removed. Why, my Lords, they would starve. Such large voluntary contributions can only be maintained by the assertion of distinctive principles, and by the farther assertion that these remain unsatisfied. And, in justice to the Free Church, I must add that this Bill of itself does not satisfy or express the extreme views they hold on spiritual independence. This Bill, if carried, will, indeed, make it much more easy for families and individuals to pass from one Church to another. And this is a consequence which may be dreaded by the Voluntary Churches more than any other. But this, I venture to say, is not an argument against the Bill which will weigh with your Lordships, or with the House of Commons. The truth is that there is more than ample room for both. Our business in Parliament is with the Established Church, and with all who either are, or desire to be, its members.

In conclusion, I have only to say that, although I have suggested to my noble Friend certain Amendments which I should be very glad to see the Government adopt if they can be made consistently with the principle of this Bill, I will not endanger the passing of it by endeavouring to force upon them any Amendments which they cannot conscientiously adopt. It is a Bill which has been conscientiously framed on the ancient principles of the Church of Scotland. It has been accepted by an overwhelming majority of the great representative body of the Church, and it is

a Bill which, if carried, is calculated to do great good in Scotland. But, my Lords, I feel bound to add that if my noble Friend should unfortunately accept any Amendments which tend to give a vote to the general body of rate-payers without any distinction of religious or irreligious opinion—if no religious qualifications are to be required of those who are to vote in the election of ministers of the Gospel in the Church of Scotland—I, for one, will not accept this Bill, but, on the contrary, I shall vote against it at every stage. I will be no party to giving up this great trust of patronage into hands less worthy—because less responsible—than those that now hold it. I will be no party, above all, to any measure which confounds distinctions essential to the very existence of every organized society, and which assuredly it is not less important to observe in respect to every branch of the Church of Christ.

THE EARL OF AIRLIE said, that in one respect he entirely agreed with the noble Duke (the Duke of Argyll)—he entirely agreed that they ought to support the Bill, so far as it was calculated to promote the interests of the Established Church of Scotland. But he ventured respectfully to differ both from him and the noble Duke who had moved the second reading, on the point as to whether the Bill, as at present framed, was calculated to promote the interests of the Church of Scotland; more especially as regarded the important point of the constitution of the electoral body. It was proposed by the Bill to remove the appointment of ministers from the patrons to the communicants. This was about the worst test they could possibly apply. No doubt, according to the original constitution of the Church, the original appointment of ministers was vested in the communicants or a body delegated by them, because it was at that time all one Church; but it did not follow that if they had altered the original constitution of the Church they should revert in the present day to the original practices. They must remember that the Church had undergone a great change. It was within the memory of men now living that the partaking of Communion was a test not merely of appointing ministers, but of holding municipal offices. What man was there now who would not be shocked and

horrified at the prospect of a return to such a test? So long as it was a matter of property there was much to be said for the existing state of things; but if it was made a matter of popular election, it seemed to him that if they were to relegate the election of ministers of the Church of Scotland either to communicants or those who belonged to the Established Church, they were so far bringing down the Church of Scotland from a national institution to the level of a sect. With all respect to the General Assembly, he could not forget that it was only within the last two or three years they had come round to favour the proposals now made by the noble Duke; therefore he did not think they could accept the Assembly as infallible in this matter. At present a patron might present, irrespective of his creed. He might be an Episcopalian—he might be anything but a Roman Catholic. Besides, in many cases the right of presentation was vested in town councils, which were elected by persons of all shades of religious opinion. But more than that, he found in 10 parishes of Scotland—some of them of large population—the presentation to benefices was vested in the heads of families. In all these cases there was a violation of the principle which the noble Duke (the Duke of Argyll) had just laid down. The noble Duke had expressed his strong objection to giving the ratepayers the power of appointing ministers; but that was the state of things which existed at present in several parishes—among others in one of the largest parishes in Scotland, having the best living—the parish of North Leith—where the nomination was in the gift of the heads of families. The Bill did not give any new test or guarantee of orthodoxy, but left that privilege precisely as it was now. How would the elections work? There were several Highland parishes in which there were no communicants at all, and some in which there was no congregation at all. How would the minister be elected there? Or suppose there were six or seven communicants, what would the Bill do? Would they create a sectarian oligarchy, and give the election of minister to the five or six persons out of a population of 500 or 600? He was afraid in these cases the last days of the Church would be much worse than the first. Then, there were cases where patronage

was exercised by the Crown with justice and wisdom. By this Bill the grievances of these parishes would serve as rallying cries for all persons who from any cause whatever had a dislike to the Church of Scotland. He was afraid, if the Bill were adopted, they would give a great stimulus to the party for Disestablishment. Then there were churches which had been endowed by Parliament, where the appointment was by the Crown through responsible Ministers; there were also cases in Glasgow where the minister was paid out of the rates. He must feel, therefore, that for the good of the Established Church, he must object to having the power of appointment taken out of the present hands. It had been said that they ran a great risk, if they gave the right—a right to vote for ministers—to an enlarged electoral body, that objectionable persons would be able to take part in the elections. Well, but that risk, if it was a risk, existed now. He could point out many cases in which the right of patronage was exercised by many persons who did not go to church;—did they think the risk would be increased if they took the patronage from one person and gave it to a great number of persons? He did not mean to say there were not difficulties, whichever way they looked; but whatever danger might arise from extending the electoral body, he was convinced it would be more than counterbalanced by positive advantages. The Church of England was bound up in the welfare of the people of England. He should like to see the Church of Scotland placed on a footing of equal strength, and he believed, if they wished to give a similar stability to that Church, they must begin by laying a foundation that should be broad as well as deep.

THE EARL OF LAUDERDALE said, he could not support the Bill—it seemed to him one of the most unjust and harsh measures which had been laid before their Lordships within his recollection. It was a Bill to do away with patronage, and it amounted, according to his reading of it, pretty nearly to the disestablishment of the Established Church. First of all, it commenced with the repeal of the Act of Queen Anne—an Act which was passed to restore to patrons the ancient rights that belonged to them when the incomes of the ministers of the Church of Scotland were paid

by the great landed proprietors. The Churches both of England and Scotland owed their origin to the great landowners—they built the Churches, and endowed them—that was to say, they paid the ministers; and all they kept for themselves was the right to nominate the clergyman. Since the Act of Queen Anne that system had been in force. What did this Bill do? It left the landed proprietors out—they were not allowed to have a word to say in the matter. He meant literally what he said. In many cases the landowners were not communicants of the Church of Scotland—in others it was impracticable for them to be communicants of the particular parish—and thus they would be without the qualification prescribed by the Bill. In his own parish, for instance, communion was only twice in the year, at Midsummer and at Christmas. At Midsummer, he (the Earl of Lauderdale) was in that House, and could not be attending communion in Scotland. In winter, at his time of life, he could not stand the cold in Scotland, but was obliged to reside in the South. Under these circumstances, he would be prevented from taking the least part in the election of the minister, although he had to pay him and repair his church. That was very hard. He had looked upon the parish as his parish, and he had done everything he could to get the best clergyman, and if he was to be thrown out from those who were communicants, he thought it would be a most ungracious and unjust thing. With regard to compensation, it was an insult to offer any man money for patronage. They never sold patronage in Scotland, but it was a very different thing to have it taken away from them. He would not sell the patronage in his own church for 30 years' purchase. He objected to the Bill because it would not improve the Scottish Church. He did not think they would get better clergymen. In his parish they liked to have a man who would look after old and young, the sick, and the poor. If a man were a great preacher, he should not be so fond of choosing him, because they had already had two or three of the most distinguished preachers in Scotland, and they could not keep them. The moment it was found he was a wonderful preacher, he was offered another living, and away he went. Therefore, he thought that in

appointing a clergyman there was a great deal to be looked at besides his preaching. If the communicants wished to have the right of election, let them have it, but do not make the landowners and heritors pay for it, and have no voice in the election of the minister.

THE EARL OF CAMPERDOWN said, the circumstances under which they were asked to consider this question were more than usually favourable. Generally speaking, such a measure was mixed up with pecuniary and private interests, but such was not the case in this instance. He was quite satisfied that the patrons of the Church of Scotland had always exercised their power of appointment as a sacred trust, and not as a right of property. He quite agreed with the noble Duke who spoke on a previous night, that the patrons of Scotland would scorn to receive a money compensation; but, at the same time, the matter was so small that no difficulty would arise on this question. At the same time, he could not consider this Bill one for consolidating the Church. He did not think the mode of election a good one, and the Bill introduced for the first time a sort of test. By the introduction of election by "communicants," in the first place there would be considerable difficulty in that mode of election. He wished to know whether there was a constituency to be formed by the minister. The qualifications of such a constituency would be in distinct contradiction to the class of persons who had been the electors up to the present time. He denied that the proposal would strengthen the basis of the Church. He felt sure that no alteration would confer strength on the Church except extending the elective powers to the whole of the parish. Formerly a minister was the minister of the parish, but he was not so now. The ratepayers had a permanent interest in the parish in which they lived. He believed himself, though perhaps not many might agree with him, that if the ratepayers were substituted for the communicants in the election of the ministers, it would induce many of the Presbyterian Dissenters to come in, and at all events if they did not, the Church would be placed on a much wider basis if it said to them—"Although you do not recognize us, we recognize you, and we offer to you every means of entering the Church as parishioners ;

and if you do not choose to enter what you term an Erastian Establishment, that is no fault of the Church; the country must judge between us, and we cannot be charged with illiberality." But under this Bill, as it stood, they could not make any such overtures. The Presbyterian Dissenters might charge them with restricting themselves more and more; and therefore they would not consent to the continuance of an Establishment from which they went out in 1843. An opportunity in 1843 was offered for preventing Disruption, but they did not avail themselves of it, and Disruption took place. He felt convinced that they would not strengthen the Church by this Bill, and on the contrary, he believed that it would tend to bring about the disestablishment much sooner than was expected.

THE EARL OF DALHOUSIE said, that when the noble Duke introduced this Bill in their Lordships' House, he (the Earl of Dalhousie) expressed his surprise that Her Majesty's Government should have thought proper to put their hands to it. There was no public cry for its introduction, no agitation at present in Scotland for meddling with the question of patronage; and, as far as his observation of the exercise of patronage lately in that country went, there were few disputed settlements and little disturbance of the peace of the Establishment arising from them. He thought, therefore, that the Government, with so many other pressing questions on their hands, had rashly stirred a question and raised a spirit which they would not find it easy to allay. The circumstance of so much difference of opinion being expressed in their Lordships' House was nothing but an indication of the difference of opinion which would be created throughout Scotland by the Bill. The introduction of this measure was to him, as a member of the Church to which he belonged, not at all unsatisfactory, for he considered it was a great homage paid to the Disruption of 1843, and a recognition of the principles which led to it. He looked upon it as one which would not in the least degree tend to heal that Disruption, because it did not touch one of the causes of that Disruption which originally created all the difficulty in the Church of Scotland—namely, the passing of the Act of Queen Anne. It ap-

peared to him that if this change was to be made in the Church of Scotland, it was quite right that it should be made at a time when the Church was quiescent. But it was said that one of the objects of the Bill was to legislate for the peace and quietness of the Church. He had great reason to doubt that any such result would ensue. They were told that one great object of the measure was to build a bridge over which the members of the Free Church, and others who had seceded from it, would be able to pass in order to re-unite themselves to the Establishment. Anything more preposterous than that he could not conceive. In his view, it was a total impossibility. In this Bill they did not touch the one main cause which led to the Disruption of the Church—they did not recognize the spiritual jurisdiction claimed by the seceders; and they could not expect that if they did not agree upon the question of spiritual jurisdiction, the seceders would ever be led to unite themselves with the Establishment in consequence of anything which the Bill now before the House contained. It was not possible to suppose that the Free Church would ever again make common cause with the Established Church. In the first place, as honest men, they could not come into connection with the Church again unless their differences were really allayed. He was not disposed to argue the question whether the seceders were right or wrong in their secession—he thought his noble Friend who had first spoken (the Earl of Selkirk) had gone very unnecessarily into the nature of the question. It was an accomplished fact. They had now three distinct bodies of Presbyterians, one of which was attached to the Established Church; another in the form of a distinct body comprehended the Free Church; and the third, the United Presbyterians, also formed a distinct body. They were now going to legislate for a minority, and in such a manner as they thought would secure it from all chance of further danger. He believed that his noble Friend opposite would find that to be impossible. He might stave off the evil for a time, but in his (the Earl of Dalhousie's) opinion, he would not do so for long, for in his belief he would find that the Bill would rather tend to introduce into the Church further seeds of dissension. It had been

The Earl of Camperdown

said that the Disruption which had taken place in 1843 had been prejudicial to the interests of religion in Scotland. That he utterly denied. He believed that religion was on a sounder footing in Scotland than it had ever been before. The Free Church of Scotland was a most remarkable proof how religion could be maintained when disconnected from the State. They would probably hardly credit the progress which the Free Church had made since the Disruption. They had subscribed for all the purposes of their Church no less a sum than £10,700,000, and last year they had a revenue of no less than half a million of money. He asked whether, under these circumstances, they would be likely again to join the Established Church? He was one of those who so far respected that Church that he would put out no hand to pull it down, but, as a Dissenter, he did not feel it his duty to extend his hand to prop it up. It was impossible that such a re-union between the Established Church and the Free Church could take place as was desired, or that such a bridge could be built as was projected. In the General Assembly of the Free Church, when the subject was discussed the other day, only 66 out of 500 formed the minority in favour of the noble Duke's measure, and even their support was of a very mild description. At the same time, he should say that if a few went back to the Established Church, let them pass—their places would soon be filled up; but as to any expectation of the great body of the Free Church going back to the Established Church, such an idea was utterly fallacious. In regard to the Bill itself, he thought the noble Duke had exercised a wise discretion in giving the election to the communicants for if he extended it to the parishioners he would introduce an element of discord that would prove ruinous. The Bill recognized a right of property in the heritors and the Crown. The Crown, they were told, was ready to surrender its rights—that was, all it had in its power to surrender—all rights of property had been previously surrendered. He had some doubts whether this was not in some sense a money Bill; it ought not to have originated in the other House—it gave compensation to some parties, it took away the franchise from some and transferred it to others. He

should stand entirely aloof from the Bill as a Dissenter from the Church, and therefore he should not vote on the measure; but he believed that the noble Duke, in raising this question, would stir the minds of the people of Scotland to their greatest depths.

THE EARL OF SEAFIELD: My Lords, as one of the patrons of the Church of Scotland, I trust you will allow me to say a few words on the substance of this Bill now before the House. The question of Patronage having been discussed so often in the General Assembly, I was prepared for some Bill being brought forward, but not for so sweeping a measure, and I regret that it should have been brought in by the noble Duke and by a Conservative Government. The patrons of Scotland have always endeavoured to select good ministers for their churches, and I am not aware of any abuse of the right of patronage having occurred. Of course, there have been disputed settlements; but these are few in comparison to the number of presentations, and the Veto Act gives every facility to those inclined to object to a presentee. My Lords, I have heard with much pleasure the speech of the noble Duke (the Duke of Argyll); but I cannot agree with him in thinking that taking the right of selecting the ministers from the patrons, and giving it to the communicants, will have the effect of bringing a better and more efficient class of ministers into the Church. Clause No. 5 of the Bill, which proposes to deal with compensation, is, I think, objectionable, as it deprives the newly-elected minister for four years of a sum equal to one year's stipend at a time when he is most in need of it, having to settle himself in his parish and furnish the manse, &c. My Lords, I look upon this Bill as nothing less than a confiscation of the rights of patrons, and, in my humble opinion, it is the first step to the Disestablishment of the Church of Scotland, and, therefore, if the noble Earl (the Earl of Selkirk) divides the House, I shall go into the Lobby with him.

LORD NAPIER AND ETTRICK considered that the Government were entitled to the gratitude of the great majority of the people of Scotland, without reference to their religious persuasions or their political opinions, for having taken this subject in hand.

Taking into account the antecedents of the question, he could not for one moment doubt that the Government acted wisely in deciding to abolish the right of patronage as it existed under the Acts of 1711 and 1840. After fully looking into the matter, he could not help thinking that the exercise of patronage in the Church of Scotland was an abuse, and had been an abuse from the beginning; and, in addition, he believed that such patronage was entirely repugnant to the feelings of the Scotch people. He did not want to say, nor did he believe, that patronage had been the sole cause of all the dissent from the Church of Scotland which had taken place from time to time. There were Nonconformist bodies in Scotland at the present moment who drew the motives of their dissent from other causes besides that of their objection to Church patronage. He knew that some dissented because they believed a connection between Church and State was sinful; that others dissented because they could not bring themselves to acknowledge the legitimacy of such a connection; and that there were more who dissented because they could not bring themselves to see that the connection was of the perfectly spiritual character which they thought necessary for the well-being of the Church. But there could be no question that there had been very little dissent from the Church of Scotland in which the question of lay patronage did not enter in some degree. Although no doubt, the question of lay patronage had not been the chief motive that had actuated the clergy in their movements, beyond question it had been the principal cause that had actuated the laity. He was convinced that lay patronage was one of the greatest abuses that could be connected with a Church, and he was satisfied that that was the conviction of most Scotchmen, Churchmen and Dissenters. Under these circumstances, he was satisfied that the Government had done well in coming to the conclusion that the best course they could adopt was to abolish this patronage altogether. Having said so much in favour of the decision of the Government, he had now to allude to the manner in which they proposed to put that decision to practical use. He found that by the Acts of 1649 and 1690, the nomination of ministers was vested in the heritors and the parishioners; but that there was no

definition whatever of the congregation of the particular Church most immediately concerned. Both Acts went on the principle of presentation by a limited body, and merely confirmed the right of the congregation to object. So far as this point of presentation was concerned, he thought that the Government had exercised a wise discretion. The principle of presentation now in existence was liable to a great number of abuses. Before now it had been the cause of much controversy, involving the keeping alive of differences and ill-feeling which it would be much better to let die out; and very often these disputes ended in the rejection of a good, efficient minister, and the appointment of an incompetent one. It seemed to him that whatever objection might be taken to the form of election proposed in that Bill, election was a far more preferable mode of proceeding than the old system of presentation. He fully approved of the proposition of the Government to erect the system of election in lieu of the present system of patronage. The question then arose, in whose hands the right of election should be? He could not assent to the proposal that it ought to be given to the whole body of ratepayers, because that would involve all the evils to which popular election was liable, inasmuch as those might take part in the appointment of the ministers of the Church who might be the enemies not only of its constitution but also of the doctrines which it taught. He believed, however, the right might safely be confided to all the Protestant communities, for that would secure in Scotland a conscientious constituency which would be very unlikely to exercise its suffrage in a vexatious or destructive spirit. But, under present circumstances, such a proposal would, he thought, not be acceptable to the Church of Scotland itself or to the general community. Therefore they had to fall back on the proposal of the Government; but if the noble Duke opposite could see his way to adopt the suggestion made by the noble Duke on that side (the Duke of Argyll), and substitute the word "congregation" for "communicants," it would be an improvement. If, however, the noble Duke could not do so, then he (Lord Napier) would urge him to admit the heritors among the electors, as it would add to the influence and social position of the Church by maintaining

its connection with the proprietary class. It was highly desirable, from a social point of view, that the heritors should be interested in the welfare and support of the Church, by forming part of the electoral body. At present the heritors had the obligation of supporting the fabric of the church, and it was not an uncommon thing for them to say that they paid the ministers, although, in point of fact, the stipend was not paid by them. However, they possessed either the whole or a large share of the teinds, which were partially applied from time to time to repairing the residence of the minister. If the heritors were not allowed to occupy the position of electors, such a step might have a prejudicial effect in regard to the interest now manifested by the proprietors in the welfare of the Establishment. In his judgment the Government had acted very wisely in leaving the regulations for the elections by the communicants to be drawn up by the General Assembly. The Government had also done well to recognize the principle of compensation, because the commodity of patronage actually had a commercial value; but some of the provisions of the measure were so bad as to be altogether impracticable. In particular, one part of the plan should be altered. The noble Duke proposed that when a benefice fell vacant the patron should receive from the heritors, in four annual instalments, a sum of money approximately equivalent to one year's stipend, and that the heritors should recover that compensation from the incumbent. The Act of 1690 contained no provision for the recovery, and why should it not be left open to the heritors to vote the whole sum of money themselves? There was little doubt that, in the event of the Bill passing, the Church of Scotland would organize a subscription to relieve ministers from the loss of a portion of their stipend at a most inconvenient period of their incumbency. He believed, however, that in very few cases would the patrons accept the compensation provided by the Bill. He now came to the probable effect which the operation of this Bill, if passed into law, would have on the members of the Free Church and on the Nonconformist bodies. He quite agreed that if this Bill became law it might not have any immediate effect on the Established Church of Scotland or

on the congregations of the Free Church, and it was also possible that it would have no immediate effect on the Nonconformist bodies. He had no doubt, however, that in the long run the operation of the measure would have considerable influence on the younger portion of the congregations of the various Churches. He believed that if the Church of Scotland continued to be conducted as efficiently as it was at present, there would most likely be a gravitation on the part of some of the congregations of the Free Churches to the Established Church. That result, if it came about, would be pregnant with very mighty consequences indeed. Either the congregations of the Free Church would gravitate towards the Church of Scotland when patronage was abolished, or some new Church would, he thought, come into existence. But he did not think the Government need at present trouble themselves on these matters. When the time came to deal with the consequences of this proposed change in the law, it would then be for the Government to take proper action. So far, he thought, Government had done well in even attempting to settle the question. He hoped that the attempt would result in some practical good.

THE DUKE OF RICHMOND: My Lords, before addressing myself to the various remarks made during the evening, I have the honour of presenting to your Lordships a Petition signed by the Moderator on behalf of the General Assembly of the Church of Scotland in favour of the measure which is now standing for a second reading. It is not my intention to detain your Lordships at any great length, because the subject has been so generally discussed by your Lordships, and because I am gratified to find there is very little practical difference in this House with regard to the measure which I have had the honour of introducing. In saying this I am very far from underrating the importance of the position occupied by my noble Friend who has moved the Amendment for the rejection of the Bill. I am well aware of the high position which he has held for so many years in the General Assembly of the Established Church of Scotland, and therefore it was with great regret that I found my noble Friend intended to take the course he has done on this occasion. From his well-known

candour I feel perfectly certain that the strong sentiments which he entertains on this subject induced him to take that course. But I think the objections which my noble Friend took to the Bill were rather more highly coloured than its merits, or, as he would say, its demerits, warrant. My noble Friend says that since he has had a seat in this House he has known no measure within the four corners of which there has been contained more mischief. I think, too, his objections were painted in rather too strong colours when he said that the compensation offered would be a mockery.

THE EARL OF SELKIRK: I did not say that. What I said was that I thought the compensation was such as no liberal minded man could accept.

THE DUKE OF RICHMOND: I was much astonished to find my noble Friend saying what he did with regard to the proposed mode of selecting the ministers. My noble Friend, who spoke second or third (tho Earl of Lauderdale), said that this was a Bill for doing away with patronage altogether, and that he objected to it on that ground. I apprehend that it does not do away with patronage altogether. It merely takes away the right of selecting the ministers from the parties who now possess it and places it in the hands of others. Patronage will still exist, although the right of election will belong to a different body. My noble Friend says that if this measure is carried it will altogether alter the character of the clergy of the Established Church of Scotland by introducing a system of canvassing and other unseemly proceedings, such as take place in contested elections of Members of Parliament in this country, and that in every parish in Scotland there will be scenes of riot, scenes of bribery, and other scenes to which I will not venture to allude, but which are generally regarded as coincident with the election of Members of Parliament in this country. If my noble Friend had not been a resident in Scotland, if he had not been a member of the Established Church, if he had not passed the greater part of his years in Scotland, I believe I should have said the noble Earl would forgive me for saying he knew very little of what takes place in that country. I do not happen to be a member of the Established Church of Scotland—I am a member of the Episcopal Church of Scot-

land, but upon my property there are a very great number of congregations in connection with the Free Church of Scotland. Those congregations contain a very large number of very estimable men—they are men quite equal in social position to members of the Established Church in that country, and they do a very great deal of good in the parts in which they are located. But I cannot recollect one case of selection of minister among those congregations of the Free Church in which there took place such scenes as my noble Friend describes. I say then that my noble Friend over-painted the disadvantages likely to arise from the passing of this Bill as regards the character of the ministers to be elected. My noble Friend went on to say that by passing this Bill you will endanger the Christianity of the country. He says that the passing of this measure will tend to unchristianize Scotland. Now, what does the distinguished body to which my learned Friend belongs—the General Assembly of the Church of Scotland—say on that subject? I find that that Assembly has come to a unanimous vote in favour of this Bill, and in a Petition which it has agreed to, it says that this Bill affords a satisfactory solution of the question of patronage, and that if passed into law it will be productive of the best effects upon the ecclesiastical relations, and upon the moral and religious condition of the people of Scotland. I set that opinion of the General Assembly of the Church of Scotland against that of my noble Friend that the Bill would tend to do away with Christianity in Scotland. There is no real ground for alarm on that point. I now pass on to the speech of the noble Duke (the Duke of Argyll) who spoke second, and who addressed us with more than his usual eloquence and clearness of reasoning. It has never before been my fortune to agree so thoroughly with him as I do now, and my only complaint is that he has left me very little indeed to say. But I am bound to notice one or two of the suggestions of my noble Friend. He deprecated strongly the proposal to intrust the election of the minister to the ratepayers in general. I share every single sentiment which my noble Friend has expressed on that subject; and if in Committee your Lordships were to sanction the proposal to

which I have alluded I should consider the Resolution equivalent to a rejection of the Bill, and would have no desire whatever to go on with it. The arguments of my noble Friend were so cogent that I should only weary your Lordships by dwelling on the point. The noble Duke also said he would prefer—though he was not disposed to insist on the alteration—that for the communicants there should be substituted the congregation, subject to rules to be laid down by the General Assembly. I can only say that I will consider this suggestion. I am aware that there is a great deal to be said in favour of it, and if I can see my way to accepting the proposal I shall be glad to do it. At the same time I do not wish to be understood as giving any pledge on the subject. I may here correct a misapprehension which a noble Earl (the Earl of Camperdown) appeared to be under. The noble Lord maintained that it was an entirely new thing to recognize the body of communicants in an Act of Parliament; but this was a mistake, for it will be found that that body is distinctly recognized in an Act of 33 and 34 of the present reign. I have seen it suggested that inasmuch as the right of patronage—as it is called—is to be taken away from the present patrons, they ought in justice to be absolved from the liability which now attaches to them of rebuilding of manses and other matters; but I think that those who raise this contention must see, on giving fuller consideration to the point, that the result would be to place the patrons, without any good reason, on a much better footing than the other heritors in the parish. A noble Earl (the Earl of Dalhousie) who holds a distinguished position in the Free Church of Scotland, remarked that the Established Church was in a minority in Scotland; but it must be remembered that this is only true when the Establishment is compared with the Free Church and the United Presbyterian Church taken together, and not when they are taken separately. The noble Earl frightened me by raising a question as to property of the Crown and by expressing a doubt as to whether the Bill was one that could properly be introduced in this House. But if I am not mistaken this is a new light which has dawned upon my noble Friend, for, if I remember right, in times past he did not

acknowledge that any such property existed. My noble Friend's position in regard to this Bill seems to be a very anomalous one—he says that the Free Church will not be injured by the Bill, and yet that it is opposed to the Bill. As to the state of the public mind, I think that this is an opportune moment for legislating on the subject. I will only add that I shall give the fullest consideration to the suggestions which have been made in the course of this discussion, and that I believe that if the Bill passes—as I hope it will within a very few weeks—it will strengthen the Church, elevate the morals of the people, and confer great benefits on all classes in Scotland.

THE EARL OF SELKIRK, in reply, said, that the noble Duke had misunderstood him if he thought that he said that this would in any way affect the Christian doctrines of the Church; but that it appeared to him that the contentions in parishes, to which a popular election must give rise, would be most injurious to the true interests of Christianity. Such, at least, was his opinion, and he had never heard anything here or elsewhere to shake that opinion. He trusted that if the Bill passed he might prove wrong, but such was his opinion.

THE EARL OF ROSSLYN said, that the deepest interest was taken in the Bill in Scotland, and that he could on behalf of the General Assemblies state that it was their desire that the word “communicants” and that only should be retained in it as designating who were to be the elective body. Several proposals had been made to substitute another electoral body, but they had all been negatived.

On Question, That (“now”) stand part of the Motion? *resolved in the affirmative*; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Tuesday* next.

LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (NO. 3) BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Alverstoke, Birkdale, Gravesend, Handsworth, Newington, Normanton, Preston, Sittingbourne, South Hornsey, South Stockton, and Whitby—Was presented by The Lord WALSHINGHAM; read 1^a; and referred to the Examiners. (No. 82.)

House adjourned at half-past Nine o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 2nd June, 1874.

MINUTES.]—NEW WRIT ISSUED—For Wigton Burghs, v. Right Hon. George Young, Judge of Court of Session.

NEW MEMBERS SWORN—George Ekins Browne, esquire, and John O'Conner Power, esquire, for Mayo.

SELECT COMMITTEE—Boroughs (Auditors and Assessors) appointed; Parliamentary Voters Registration (Ireland), nominated.

SUPPLY—considered in Committee—Resolutions [June 1] reported.

RESOLUTION IN COMMITTEE—Valuation (Ireland) [Salaries &c.]

PUBLIC BILLS—Ordered—First Reading—Militia Law Amendment * [130]; Drainage and Improvement of Lands (Ireland) Provisional Order * [131].

First Reading—Oyster and Mussel Fisheries Orders Confirmation * [129].

Select Committee—Homicide Law Amendment * [44], Mr. Massey and Sir George Jenkinson added.

Committee—Juries [18]—R.P.

Committee—Report—Leases and Sales of Settled Estates * [8].

Considered as amended—Municipal Corporations (Disposition of Penalties) * [59].

Third Reading—Married Women's Property Act (1870) Amendment * [96]; Magistrates (Ireland) and Commissioners of Dublin Police Salaries * [117], and passed.

WIGTOWN BURGHS WRIT.

Judge's Report relating to the Wigtown District of Burghs Election read:—

And it appearing that the Right Honourable George Young was duly elected and ought to have been returned as Member of Parliament for the said District of Burghs, but had, since his said Election, been appointed and taken his seat as one of the Judges of the Court of Session in Scotland, and was thereby disqualified from sitting in Parliament:—

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Member to serve in this present Parliament for the Wigtown District of Burghs, in the room of the Right Honourable George Young, who, since his Election for the said District of Burghs, hath accepted the office of one of the Judges of Her Majesty's Court of Session in Scotland.—(Mr. Dyke.)

CONTROVERTED ELECTIONS — HAVERFORDWEST — DURHAM COUNTY (NORTHERN DIVISION).

MR. SPEAKER informed the House, that he had received from the Court of Common Pleas a Certificate upon a Special Case stated for the opinion of that Court, under the Parliamentary Elections Act, 1868, relating to the Election for the Borough of the Town and County of Haverfordwest, to the effect that William Edwards, Baron Kensington, was not duly elected.

And also from the Judge selected for the Trial of Election Petitions, pursuant to the said Act, a Certificate and Report relating to the Election for the Northern Division of the County of Durham, to the effect that the Election was void.

GREAT SOUTHERN OF INDIA AND CARNATIC RAILWAY COMPANIES (No. 2) BILL (by Order.)

SECOND READING.

Order for Second Reading, read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Lord George Hamilton.)

MR. FAWCETT moved, as an Amendment, that the Bill be read a second time that day three months. The way in which this Bill had been dealt with afforded a striking and instructive illustration of the manner in which Indian affairs were managed in that House. The Bill was brought forward last Session as one that might be passed without a moment's consideration, as a mere matter of form. Having gone through the Bill, and finding that it might throw a very important burden on the Indian revenue—a truth which he compelled the officials of the Indian Office to admit—he opposed it, and it was then withdrawn. It was now brought forward again, and, on the same objection being raised, the hon. Member for Westminster (Mr. W. H. Smith) blandly assured the House that it was merely an Amalgamated Bill, and would cast no burden on the revenue of India. He (Mr. Fawcett) could, however, assure the House that it was a Bill which required the most careful consideration. There was a Schedule referred to in the Resolution under which the Bill was introduced which, instead of being a few lines, after the ordinary manner of Schedules, he was astonished to find consisted of just 29 closely printed foolscap pages, and it took him two mornings' very hard work to understand its complicated provisions. Nothing to his mind could be so disgraceful or discreditable as the way in which these railway contracts were managed in the India Office. In each of the contracts there was a provision that the Government, having guaranteed a certain percentage upon the capital of the companies, should, after a certain lapse of time, become possessors of the property. There was another provision to the effect that the companies should

have the right to surrender their property to the Government at the cost price, and so obtain a return of every shilling of capital expended. The Great Southern of India Railway had a contract for 999 years, whereas the Carnatic Railway had only a contract for 99 years. But if the amalgamation scheme were adopted the contract of the last-named company would be extended to 999 years, and at any date during that period of time they could surrender their property and call upon the Government to recoup them for their capital invested. Thus, indirectly, the scheme might lay a great charge upon the revenues of India. But it might also involve a direct charge, because part of the scheme was to make a railway from Tanjore to Madras, about 170 miles in length, and if this were carried out the Government might be called upon to guarantee 4½ or 5 per cent upon a capital of, say, £1,500,000 sterling. The Indian Finance Committee had reported that there was no system so wasteful, so extravagant, so inefficient, as that of guaranteeing 5 per cent on capital expended in railway construction—it swept to the wind every inducement for economical or only proper expenditure; and before the House had decided whether or not the guarantee system should be continued it was scandalous to attempt by a side-wind to obtain so important a guarantee. He wished, therefore, to ask whether, as this Bill would throw a charge upon the revenues of India, it was competent to pass it as a Private Bill, or whether it ought not to be put into the form of a Hybrid Bill or of a Public Bill?

MR. SPEAKER said, that it was perfectly in Order to deal with the measure under consideration as a Private Bill.

MR. FAWCETT said, he would move that the Bill be read a second time on that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Mr. Fawcett.)

LORD GEORGE HAMILTON, in reply, said, that the hon. Member had assumed as a fact that this Bill would throw additional charges on the revenue of India; but that was not so. Its rejection, on the other hand, would have the effect which the hon. Member for Hackney deprecated, for it would pre-

vent the economy to be effected by the amalgamation proposed. There were three great Railway Companies in the South of India—the Great Southern, the Carnatic, and the Madras—and the Government were anxious for the amalgamation of all these, because the construction of the lines which had been agreed upon would be more cheaply carried out than if the staffs were separate. The Madras Railway Company refused to amalgamate; and last year, after considerable negotiation, the other two were united. If the Great Southern had been incorporated under a general Act like the Carnatic, this Bill would not now have been necessary. These arrangements were made some time ago, and if this Bill were thrown out now those arrangements would still hold good, and the only effect would be that the lines would be constructed at a greater cost, and thus an additional charge would really be thrown upon the revenue of India. The hon. Gentleman had for the last four years been constantly engaged in disputes with the India Office, and protesting against its want of economy; and he (Lord George Hamilton) now asked the House to protect the India Office from the extravagant views of the hon. Member. Under the proposed arrangement the Government would have power to purchase the line in the first instance in 1895, and after that date within six months of the expiration of every 10 years from that date. He had looked into the Bill since his attention had been called to the subject, and as he had already said the measure was one of an economical nature. It was the sincere desire of the Indian Office to save expense, and, as the line must be constructed under any circumstances if the present proposals were rejected, another scheme involving a larger outlay would have to be adopted.

Question, "That the word 'now' stand part of the Question," put, and agreed to.

Main Question put, and agreed to.

Bill read a second time, and committed.

CONSULAR SERVICE—MR. VINES, BRITISH CONSUL AT ISLAY, PERU.

QUESTION.

MR. GREGORY asked the Under Secretary of State for Foreign Affairs,

If his attention has been called to the losses sustained by Mr. Edward Gibbon Swann, at Islay, in Peru, through the conduct of Mr. Vines, the British Consul there, and of the Judicial authorities at that place; and, whether he will lay upon the Table of the House a Report made by Mr. Nugent, the Consul at Arica, upon the subject?

MR. BOURKE, in reply, said, that the dispute between these gentlemen arose some years ago, and that the matter was closed before the present Government came into office. Mr. Swann appeared to have been employed by Mr. Vines to carry out some speculative transactions in Peru, and they having subsequently quarrelled, Mr. Swann brought various charges against Mr. Vines. An inquiry into the circumstances was made under the direction of the Foreign Office, and the result was that an order was sent from the Foreign Office that Mr. Vines should be dismissed. That decision, however, Mr. Vines anticipated by resigning, and he having thus quitted the public service, Lord Granville had not thought it necessary that any further notice should be taken by the Government of the matter, and that if Mr. Swann had sustained any injury through the conduct of Mr. Vines, he should apply for redress to the ordinary tribunals of the country. Under these circumstances the Foreign Office did not think that any good could result from the publication of the Papers referred to.

CATTLE—THE FOOT AND MOUTH DISEASE.—QUESTION.

LORD HENRY THYNNE asked the Vice President of the Council, Whether his attention has been directed to the serious outbreak of foot and mouth disease in Wiltshire and Dorsetshire; and, whether he will take into his immediate consideration what steps may be necessary to check the disease, and especially the desirability of sending down an Inspector at once to report thereon?

VISCOUNT SANDON: Owing, Sir, to the prompt action of my noble Friend the Member for South Wilts, the Lord President was informed yesterday of the outbreak of some serious form of disease among the cattle in Wiltshire and Dorsetshire. The same afternoon an Inspector was instructed to visit the locality

and to report as soon as possible the result of his inquiry. No Report has been received from him up to the present time, but he has been instructed to telegraph as soon as he has ascertained the real character of the disease, and I shall be happy to inform my noble Friend what we hear.

ORDNANCE SURVEY (NORTH WALES). QUESTION.

MR. MORGAN LLOYD asked the First Commissioner of Works, If he will state to the House the reason why the Division of Ordnance Surveys now at work in North Wales is about to be removed into another district before the completion of the Survey on which it is now engaged; and, why the expenses already incurred in the triangulation and partial survey of a large portion of North Wales should thereby be rendered useless?

LORD HENRY LENNOX, in reply, said, that the hon. Member asked two Questions, the first being why the staff of the Ordnance Survey were to be removed from North Wales before they had completed the survey on which they were engaged, to which he would reply that that staff were engaged on the survey of the richer mineral districts in Flintshire, Cheshire, and Denbighshire: the two former were completed, and Denbighshire would be surveyed before the staff of the Ordnance Survey removed. With regard to the second question, he could assure the hon. Member that the expenses of the triangulation and partial survey to which he alluded would not be useless, but would be available whenever the survey of North Wales was taken up in the ordinary course of procedure.

IRISH FISHERIES REPORT, 1873.

QUESTION.

MR. O'CLERY asked the Chief Secretary for Ireland, Why the Report of the Inspectors of Irish Fisheries for the year 1873, which, according to the Act 5 and 6 Vic., c. 106, s. 112, should be presented to Parliament within twenty-one days from the commencement of the present Session, has not as yet been issued?

SIR MICHAEL HICKS - BEACH, in reply, said, that, as he had stated last month, the delay was occasioned by the difficulties which the Inspectors of

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Irish Fisheries had experienced in obtaining from the Boards of Conservators their Reports, which were published in connection with the general Report of the Inspectors. Since Notice had been given of the hon. Member's Question he had telegraphed to Dublin to ascertain when the Report was likely to be presented, and he had been informed that it had been for some time in the hands of the printers, and he trusted that it would be in the hands of hon. Members in a few days.

INTOXICATING LIQUORS (LICENSING) ACT, 1872—SPECIAL LICENCES.
QUESTION.

SIR JOHN KENNAWAY asked the Secretary of State for the Home Department, If he can state whether any and what number of special licences have been granted under the Act of 1872 to Public Houses situate beyond the radius of one mile from Charing Cross?

MR. ASSHETON CROSS: Sir, I am not quite clear what the hon. Baronet means by the term "special licences;" but the orders of exemption amount to 81, and other occasional licences issued since the passing of the Act have been granted in 3,432 cases.

SIR JOHN KENNAWAY: What I meant by special licences was the extension of hours for the convenience of the theatres.

MR. ASSHETON CROSS: They amount to 81. The other occasional licences amount, as I have just stated, to 3,432.

**MERCHANT SHIPPING ACT—
MASTERS OF PLEASURE YACHTS.**
QUESTIONS.

MR. GOURLEY asked the President of the Board of Trade, If the Circular recently issued relative to the examination and granting of Certificates of Competency to registered masters or owners, registered as masters of pleasure yachts, is in accordance with the Merchant Shipping Act; and, if not, if it is his intention to introduce a Bill to legalize the granting of Certificates to those who qualify themselves for examination in conformity with the Circular?

SIR CHARLES ADDERLEY: Sir, the Merchant Shipping Act of 1854 provides for the examinations and certi-

icates of competency of masters and mates of foreign-going ships and home-trade passenger ships, for which the Board of Trade lays down rules. Masters of yachts being owners as well have voluntarily submitted themselves to examination as to competency, and a special certificate has been very usefully given, entitling the holder only to command his own yacht, whether foreign-going or only cruising within home limits. The fee for such examination is £2, and in all respects, so far as applicable to yachts, the regulations for examination are the same as for merchant ships.

MR. GOURLEY: Is the Certificate granted by the Board of Trade a legal one?

SIR CHARLES ADDERLEY: It is with respect to merchant ships, and is so also with regard to yachts.

PARLIAMENT—THE DERBY DAY—ADJOURNMENT OF THE HOUSE.

MR. DISRAELI: Sir, I observe that there is nothing on the Paper for tomorrow, and I therefore beg to move that the House, at its rising, do adjourn until Thursday next.

Motion made, and Question proposed, "That this House will, at the rising of the House this day, adjourn till *Thursday* next."—(*Mr. Disraeli.*)

SIR WILFRID LAWSON: I have no doubt, Sir, that the Motion of the right hon. Gentleman will be very acceptable to the majority of this House; but I am sorry that the Prime Minister did not favour us with a longer speech in making that Motion. I remember the time when Lord Palmerston on similar occasions used to get up and talk about the Isthmian Games, and even the late Prime Minister, who is not very much addicted to sport, described the race for the Derby as a noble, manly, distinguished, and historical national sport. I should like to have heard the opinion of the right hon. Gentleman at the head of the Government upon the subject. I know it is a most unpopular thing to interfere with such a proposal as has just been made. Everybody likes a holiday, and is ready to accept it. We are now in the commencement of the sixth month of the year. We have sat in this House this Session just 40 days, and we have had just 41 divisions, and

everyone must be very much exhausted indeed. Besides, during that period we have had only three weeks' holiday, and therefore we must all, especially the new Members, be very glad to have a day at liberty, and I do not think the country will find any great fault with our adjournment to-morrow. Indeed, I think if the right hon. Gentleman had extended his Motion, and instead of moving that this House adjourn over Derby Day, had moved an adjournment to the 1st of February, 1875, the Motion would be received with considerable approbation throughout the country. Now, Mr. Speaker, I do not wish to appear as an enemy to you. I should be happy that you should have your holiday if you wish to have it, and that those gentlemen at the Table who attend to the official business of the House, and who are so very useful and kind to us in many ways, should have a holiday too. But the question raised by the Motion is this. Is the day selected the most suitable for the purpose? I venture respectfully to say I do not consider it is. Not long ago a large majority of this House decided that museums and picture-galleries and libraries should remain closed on Sundays. I have no doubt that that majority were influenced by a regard for the interests of religion and morality, for true religion cannot be severed from true morality. What have we decided besides that? We have not passed many Acts of Parliament during this Session, but we have passed one very good one—the Bill of my hon. Friend the Member for Glasgow (Mr. Anderson), which is designed to put a stop to betting; and having just passed that Bill, we to-morrow propose to patronize the greatest gambling place in the world. But that is not my strongest assumption against the Motion. I say that this being a national assemblage, we ought not to indulge in this exceptional and extraordinary day's adjournment except the occasion be a national one; and I do not think we can fairly say that this Derby Day is, or at any rate ought to be, a national occasion. Some persons condemn this sport of horse-racing; some persons look with disapprobation on the Derby Day's proceedings. I give no opinion myself on the matter. I shall not even say whether I intend to attend the race, but I will take it for granted that it is improving, and I know it is

considered delightful to spend a hot summer's day on a dusty heath, surrounded by fortune-tellers, mountebanks, minstrels, acrobats, blacklegs, betting men, and pickpockets. I do not say it, but some people do; and when I hear them I am reminded more than ever of the classical expression of Sir Cornewall Lewis, that "life would be tolerable if it were not for its amusements." Sir, there is a large and respectable minority throughout the country who object to these sort of things—so large and so respectable that I am justified in saying the occasion in question is not a national one. I will give you the opinion of a race meeting expressed by a great writer—one who was not a Puritan or a gloomy fanatic, but whose writings are genial and good-humoured and jovial. I allude to Charles Dickens, whose great wish was to promote the rational enjoyment of his fellow-men. What did he say? "I vow," said he, "that I can see nothing on the betting-stand, or outside the betting ring, but ruin, cruelty, covetousness, calculation, insensibility, and low cunning." Now, if that were the opinion of such a man, I ask why should we, as a national assembly, give our sanction to the proceeding now proposed. The right hon. Gentleman made a short speech, but with his usual astuteness he brought forward the best argument that could be adduced in support of his Motion—namely, that there was nothing on the Paper for to-morrow. Well, I will point out a course by which he can get out of the difficulty. Let the Government put down Supply for to-morrow, and I promise the right hon. Gentleman to bring to the House a Radical contingent to help him with the business of the country. He can then take his holiday on some other occasion which will not prove objectionable to any portion of Her Majesty's subjects. I most decidedly shall oppose the Motion, and divide the House.

Question put.

The House divided:—Ayes 243; Noes 69: Majority 174.

INTOXICATING LIQUORS BILL— RETURNS.—QUESTIONS.

MR. MELLY asked the Under Secretary of State for the Home Department. Whether he has any objection to lay on

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the Table of the House replies which he has received from the Superintendents of Police in answer to twelve Questions forwarded to them on the 26th of March, 1874? There were two series of questions—one addressed to the Chief Magistrates, whose replies have been laid on the Table, and the other to the Police, whose replies have not yet been produced; and he wished to know, whether the replies of the Police can be laid on the Table before the Intoxicating Liquors Bill is considered in Committee?

SIR HENRY SELWIN-IBBETSON, in reply, said, that the Papers were of a confidential nature, and, even if they were not, it was utterly impossible they could be distributed in time for the discussion of Thursday evening.

MR. GOSCHEN wished to ask, whether the Papers were of a more confidential character than the replies of the Mayors, which were produced after some hesitation on the part of the Government?

SIR HENRY SELWIN-IBBETSON said, they were of a more confidential character, inasmuch as the position of a Chief Constable was very different from that of Mayor of a borough.

SIR WILLIAM HARCOURT wished to know, whether the Intoxicating Liquors Bill would be taken the first thing on Thursday?

MR. DISRAELI said, it would be the First Order of the Day.

MR. GOSCHEN gave Notice that he should move for the production of the Papers alluded to. It seemed to him most important that the House should be in possession of any information which was in the possession of the Government. [Sir WILFRID LAWSON: Hear, hear.]

THE "ALABAMA"—COMPENSATION FOR BRITISH PROPERTY.

RESOLUTION.

MR. ANDERSON rose to call the attention of the House to losses sustained by British subjects not compensated under the Washington Treaty, and damages done to British subjects by the "Alabama," and to move—

"That, in the opinion of this House, it is wrong in principle that individual subjects should be left to suffer severe loss through a national wrong, and therefore, seeing Great Britain has been adjudicated to have been in the wrong in permitting the escape of the 'Alabama,' and has compensated American subjects for all

the consequences of that wrong, British subjects who have similarly suffered from the 'Alabama' should be similarly compensated."

The hon. Gentleman said, he could not but express some regret at the lateness at which this Motion had come before the House, and he could not help feeling that to many hon. Members the subject would only be disagreeable, and they would rather forget it, and let it pass out of sight altogether. But circumstances over which he had no control prevented his bringing it forward last Session; and he still felt that, in justice to certain parties, he was bound to proceed with it even at this late stage. In doing so, he did not wish to attack the policy of the Alabama Treaty, nor in any way to blame the late Government for having made it; on the contrary, he thought that in making it we set a noble example to the world of two great nations undertaking to settle their differences by the arbitrament of reason rather than by that of the sword. It was a great example, which would yet bear good fruit. He did not think even that the fact that England had made such concessions during the negotiations was a thing to be regretted; the concessions, no doubt, were uniformly made by England, but it showed great magnanimity for us to do so, because it sometimes required greater courage to make concessions than to fight against them. It was a course which only a great nation, conscious of its own power, could venture to take. But he did blame the late Government, to a certain extent, for not allowing that Treaty to be discussed by this House before it was ratified. Parliament was sitting at the time, and an appeal was made to the late Government to allow an opportunity to discuss it; but they refused that appeal in a somewhat high-handed manner. In consequence, the discussion that afterwards took place was little better than a hollow sham, which could have no interest to the House. In this way had arisen one of those mistakes he would have to point out, which might have been corrected had it been discovered before the ratification. The claims which he wished to bring before the House were of three classes, and were totally distinct, although his Resolution referred to only one of them. The first were very large claims, and consisted of those of all those British subjects who held pro-

erty in the Confederate States before the war. They held that property trusting to the protection of the laws and institutions of the United States, and they had their property destroyed solely because of the temporary inability of the Government of the United States to maintain its own laws and institutions. Under these circumstances the United States Government ought to have compensated British subjects for those losses; because, had such a thing occurred in this country, he was quite sure we should have made compensation. The more the United States Government claimed that the war was not a Civil War, and was only a rebellion, the more they were bound to recognize this right. In the course of the negotiations this matter ought to have been kept in view; but in all probability it could not have been successfully carried, because he was bound to admit that the United States had consistently refused to compensate their own loyal subjects for damage done to them by the Confederates. A few months ago, however, when at Washington, he learnt that there was a great change taking place in the feelings of the people of the United States on this subject, and there was a probability that before long the Legislature would take into consideration the question of the Government compensating loyal subjects for acts done during the rebellion by the Confederates. All he had to say on this part of the subject was that he hoped the English Government would watch the progress of events in America, and if the United States should at any time undertake to compensate their own citizens, that our Government should insist on their compensating British subjects also. The second class of claims was that of British subjects who had property destroyed by the Federal armies, but whose property was so destroyed after the 9th of April, 1865, when General Lee surrendered, that day having been fixed—erroneously in his opinion—as the end of the war, and beyond which no British claims should be valid. The claims of which he was speaking would have been good, but that the date of April 9th was fixed. He should like to refer to some of the dates connected with this question. General Lee surrendered on the 9th April, 1865. President Lincoln was assassinated on the 14th of

April. General Johnston surrendered his Confederate army on the 26th of April. General Taylor surrendered his on the 4th of May. Jefferson Davis capitulated on the 10th of May, and General Kirby Smith surrendered the last of the Confederate armies on the 26th of May, 1865. The United States Court, in litigation between the citizens of the United States, recognized the termination of the war as the 20th of August, 1866; and he was therefore at a loss to understand how, in the face of that fact, our negotiators could consent to the date of the surrender of General Lee as the termination of the war. The capture of Jefferson Davis, or the surrender of the last of the Confederate armies, would have been better dates upon which to have fixed. On this point the Chancellor of the Exchequer, one of our negotiators, had admitted, in his place in Parliament, that a "mistake" had been made. He said he believed that both parties really meant honestly to include all damage done to British subjects during the whole period of the war; but the English negotiators persisted in calling it a Civil War, whereas the United States negotiators would not admit of any term but rebellion; and, as the Treaty was likely to fall through, it was agreed that neither term should be used, but that dates should be substituted. These dates were suggested by the Americans, and the English negotiators assented, without its having ever occurred to them to consider how far they really coincided with the beginning or end of the war. If a mere "mistake" had occurred, why, when pointed out, was it not rectified? The dates of the Treaty had been most rigidly insisted on; and many claims were barred by that circumstance. In one instance a British subject had been imprisoned for 107 days, only 22 of which were within the Treaty. The 22 were compensated, and the remainder were to be uncompensated, although the imprisonment was one continuous act. There was the case of a British subject whose mills in Georgia were burned down on the 17th of April, only a few days after the date fixed by the Treaty, and yet the claim was entirely debarred from compensation. The United States had already acknowledged that a wrong had been done, and shown a disposition to repair it. General Grant,

Mr. Anderson

in his Presidential Address of December, 1866, admitted that although the claims of British subjects were limited to injuries sustained before the 9th of April, 1865, there were many more outside that date, and it was desirable to have them examined and disposed of. In fact, when in Washington he (Mr. Anderson) was told that there would very likely be a Supplemental Commission appointed to look into such cases, and he asked our Government to use their influence to ensure its being a genuine and honest Commission which should deal fairly with the matter, and afford our fellow-subjects a chance of receiving that compensation to which they were entitled. He now came to the third class of claims to which alone his Resolution applied—the class of British merchants who had British goods in American ships destroyed by the *Alabama*. In many cases we had actually paid the American shipowner for his ship and the American merchant for the goods he had in it; but the unfortunate British merchant who had goods in the same vessel was left to bear his own loss. The number of the last class of cases was very small—he believed only three or four; but they were very important to the sufferers. One of them was that of a firm of British merchants—Messrs. Athya and Co.—who had shipped about £4,500 worth of grain and flour in an American vessel, the *Crenshaw*. Before doing so they went to the British Consul and asked his advice, whether it was necessary to insure against war risks, and the Consul told them it was not, as Great Britain was not at war with any Power at that time; and that his endorsement of the bill of lading, with the Consular seal attached, would be a sufficient protection to British goods even in an American ship. The firm took his advice and the result was that the ship was met by the *Alabama*, and though the bill of lading was shown to Captain Semmes he did not care a straw about the goods being British, but sent the ship to the bottom. Another case was that of Messrs. Hamilton and Co., of Belfast, who shipped £6,000 worth of grain in the *Lafayette* which was also destroyed by the *Alabama*. We had paid the American owners for the ship and the American merchants for a part of the cargo, and it was only the part of the property which belonged to the Messrs.

Hamilton for which compensation was not given. The question involved related to what was right in justice and equity. It was admitted by our own Advocates that we were wrong in the case of the *Alabama*; and having been in the wrong, it was submitted we ought to pay for the wrong, whether it was in the case of the Americans or of English subjects. He was aware that it might be said that it was not a wrong in the abstract, but only a wrong constituted by Treaty, and that as the British Government made the Treaty only with the Americans, they were bound to pay only subjects of the United States for their losses; but while that was admitted, surely, upon principles of justice, they were also bound to pay their own subjects for the losses they had suffered. He thought it could hardly be contended that there was a legal obligation to pay every British subject who claimed for the losses he had sustained; but, on the other hand, he thought that everyone—even those who were opposed to his views on this subject—would admit that there was great hardship suffered by those whose losses had not been compensated, and that it was deserving of the consideration of Parliament. The hon. Member concluded by moving his Resolution.

COLONEL MURE, in seconding the Resolution, said, he would not now enter into the unhappy struggle that had taken place between the United States Government and their subjects, and the Correspondence that had taken place between the American Government and the Government of this country respecting the *Alabama*. The parties aggrieved admitted they had not got a distinctly legal position; but it was one of the great prerogatives of the House—in dealing with such a matter as this, not to look at it in a purely legal sense—but in accordance with the principles of simple and natural justice. There could be no doubt that there had been want of caution, by which the *Alabama* had escaped from English waters; and, according to the judgment of the Geneva Tribunal, England was compelled to pay a large sum of money for the losses suffered by the proceedings of that ship. But surely, having paid the Americans for their losses, the Government of this country ought also to pay British subjects for their losses. He had no hesitation in

saying that the British Consul in New York had acted unwisely in the counsel which he gave and the opinions he expressed to British shipowners at the time in question in reference to insurance. He would not now enter into the question of the proceedings of the *Alabama*; but he asked the House to treat the question involved in the Resolution on principles of equity.

Motion made, and Question proposed,

"That, in the opinion of this House, it is wrong in principle that individual subjects should be left to suffer severe loss through a national wrong, and therefore, seeing Great Britain has been adjudicated to have been in the wrong in permitting the escape of the '*Alabama*,' and has compensated American subjects for all the consequences of that wrong, British subjects who have similarly suffered from the '*Alabama*' should be similarly compensated."—(*Mr. Anderson.*)

Mr. BOURKE said, it was not his intention to follow the hon. Member for Glasgow (Mr. Anderson) into his criticism either upon the Washington Treaty itself or upon the conduct of the late Government in not submitting that Treaty to the House before its ratification. The hon. Member had divided his Motion very properly into three distinct branches—namely, first, the losses sustained by British subjects in the Confederate States; next, other losses of British subjects; and, lastly, losses connected with the Alabama Claims. As to the losses arising in the Confederate States, they had been brought before the Commission and adjudicated upon by it; and the reason why the Commission did not think they came within the terms of the Treaty was because the Commissioners were of opinion that—

"The United States could not be held liable for injuries caused by the acts of rebels over which they could exercise no control and which they had no power to prevent."

That was a judicial decision given by the Commissioners, and of course it would be perfectly useless now for us to repudiate one of the most important provisions in the Treaty which was carried out by the Commissioners, and upon which that decision was founded. With regard to the losses sustained by British subjects under the Treaty, they were confined to two dates—the 13th of April, 1861, when the first gun was fired from Fort Sumter, and the 9th of April, 1865, the date of the surrender of General

Lee's army. It was believed by everyone that no claims could arise that were not included within those two dates. Since the signature of the Treaty, however, other claims had, no doubt, come to the knowledge of the Foreign Office. All these were submitted to the Law Officers of the Crown, and some were submitted to the Government of the United States through the British Minister at Washington. The stipulations of the Treaty of Washington were not intended to cover all such claims, and it was understood that if there were other claims not included within the two dates in question they might be brought forward at some other time. That was not only the opinion of the British Law Officers, but also of those of the United States, and these claims, therefore, remained to be settled. President Grant, in a recent Message, said—

"I recommend legislation to create a special Court to consist of three Judges, who shall be empowered to hear and determine all claims of aliens upon the United States arising out of acts committed against their persons or property during the insurrection. The recent reference under the Treaty of Washington was confined to claims of British subjects arising during the period named in the Treaty; but it is understood that there are other British claims of a similar nature arising after the 9th of April, 1865, and it is known that other claims of a like nature are advanced by citizens or subjects of other Powers. It is desirable to have these claims also examined and disposed of."

Since that Message had been sent a Bill had been introduced into Congress establishing a Court before which the claims of British subjects, as well as those of other Powers, could be heard and determined. Another Bill, having the same object, was also before Congress, and, if either passed, peremptory instructions had been sent to Sir Edward Thornton that all claims made by British subjects outside the dates mentioned should be preferred before that Court as soon as it should be constituted. Even if this Court should not be established, these claims, like all claims which one civilized nation might have upon another, would remain, and it would be the duty of our diplomatic representatives to bring them under the notice of the United States Government. He could have no difficulty whatever in assuring the hon. Member for Glasgow that Her Majesty's Government would take care that everything that was just and reasonable which could be urged

Colonel Mure

in support of those claims should be urged by our representatives on the attention of the United States. As this was the first occasion on which the transaction of the business of claims made before the Commission had been mentioned in that House, he trusted he should not overstep his duty if he offered his humble tribute of admiration to his right hon. and learned Friend the Recorder of London (Mr. Russell Gurney) for the admirable manner in which he had performed the functions intrusted to him. There might be differences of opinion as to the policy of the Treaty of Washington; but he did not think there would ever be two opinions with regard to the mode in which his right hon. and learned Friend had discharged his functions in the matter. They were functions of a difficult and onerous character, requiring great tact, great patience, great legal ability, great experience, and great authority. The qualities he had brought to bear were, indeed, the rarest and most eminent qualities of the judicial mind. The House would, he trusted, pardon him if he availed himself of this opportunity of expressing his belief that the services of his right hon. and learned Friend were regarded with gratitude and respect by his countrymen. Now, he came to the most important part of the Motion of the hon. Member for Glasgow, and he could not help thinking that that Motion was founded entirely on a misconception of the character of the circumstances of the case. It was assumed that Great Britain had been adjudicated in the wrong. That was not the case. Great Britain had been adjudicated liable to pay; and why? Because she had undertaken to be judged for this purpose by Three Rules which had not before been in existence. Even if it were assumed, for the sake of argument, that Great Britain had been adjudicated to be in the wrong, it might be asked, "Between whom?" She had been adjudicated to be in the wrong between herself and the United States, but never between herself and her own subjects. The principle upon which she had been adjudicated liable to pay were solely applicable to international disputes, and in no sense applicable to questions arising between Great Britain and her own subjects. All such disputes must be settled

by the municipal law of the country. It might be asked—"Of what did the alleged wrong consist?" It consisted in our allowing a ship which was hostile and injurious to the commerce of the United States to escape from our shores. The injury complained of was an international injury, and the national wrong, if any, was committed by Great Britain against the United States. Upon what principles could Great Britain be adjudged liable to pay? As these disputes must be settled by municipal law, Great Britain could not be adjudged in the wrong between herself and her own subjects. No Government was liable for the assumed negligence of its officers. If the hon. Member's Motion were carried, and if a Government were liable for the negligence of its own officers, every pirate that had ever gone forth from this country, and committed depredations on British commerce, would furnish a case for coming to Parliament, and asking that a grant should be made to recoup individuals who had suffered by such depredations. That was a principle which could not be entertained for a moment. Take the case of robbers and burglars. Every robbery and burglary committed in this country might possibly be attributed to alleged negligence on the part of the police; and if the principle contended for by the hon. Member for Glasgow was correct, then the Government could be called upon to pay for every such robbery and burglary. Again, if we were to pay our own merchants for the losses they sustained by shipping their goods in American bottoms, it must be recollected that there were other merchants of other nations who had suffered similar losses, and who might urge claims that would no less demand attention than those brought forward by the hon. Member for Glasgow. They must all regret the losses of these British merchants; but he could not help remarking that those losses would not have been sustained if they had taken the ordinary precautions well known to business men. The hon. Member for Glasgow (Mr. Anderson) gave the House to understand that the British Consul at New York endorsed the bills of lading of certain merchants, and thus gave, he alleged, a guarantee that their goods would not be captured. He should like, he confessed, to hear Mr. Archibald's account of that transaction. He was one

of the best men of business in either country, and he thought there must be some mistake. He could quite understand some of these merchants going to the British Consul, and asking him to tell them whether, if he endorsed these bills of lading, that would not show that they were the goods of British subjects; but that had nothing to do with the question at issue. If the United States or the Confederate States had been parties to the declaration of the Treaty of Paris that a neutral flag should cover an enemy's goods, there would have been some use in such an endorsement. The United States and the Confederate States had, however, never been parties to that declaration, and the war was carried on totally irrespective of the Treaty of Paris. Considering that these gentlemen were well aware that the *Alabama* was at sea, and that a great many other cruisers, legitimately commissioned, were roving about the sea, and knowing also that their goods were liable to capture if they were sent to sea in American bottoms, it would have been supposed that, as men of business, they would have taken the obvious precaution either of insuring their goods against war risks or of shipping them in English bottoms. He trusted he had satisfied the House that the Motion of the hon. Member for Glasgow was one which ought not to be adopted, resting as it did on what he conceived to be entirely unsound and fallacious grounds, and pledging the House as it did to an expenditure of public money unlimited, undefined, and wholly unjustifiable.

Question put, and *negatived*.

IRELAND—THE NATIONAL EDUCATION COMMISSIONERS—CALLAN SCHOOLS.
RESOLUTION.

MR. WILLIAM CARTWRIGHT, in rising to call attention to the proceedings of the Irish Commissioners for Education in reference to the Callan Schools; and to move—

"That, in the opinion of this House, the action taken by the Board has been marked with inconsistency, and has not been in conformity with precedents or with the spirit of its regulations,"

said, that he had not the least personal acquaintance with Mr. O'Keeffe, nor any

personal interest in the subject to which he desired to call attention; but if he had, his sympathies might be supposed to be with the majority of the National Board. He had had relations of intimacy with some of its most distinguished members, while, on the other hand, he did not even know by sight Mr. O'Keeffe, and he had but the slightest acquaintance with one of the members of the minority. Then, as regarded the religious aspects of the case, he should very much deprecate the introduction into the debate of any questions calculated to engender angry passions, and outside the province of this Assembly. The question he had to bring forward was a purely civil question, concerning the removal of a civil functionary from a civil post by a civil Board, acting upon what he considered to be an episcopal message. He wished to say at once, also, that he entirely dissociated himself from the Amendment of which the hon. and learned Member for Marylebone (Sir Thomas Chambers) had given Notice, as that Amendment raised an issue which affected Mr. O'Keeffe not only as the manager of the Schools, but as a priest officiating at a poor-house. He would show that in this case the Board had departed from the spirit of its rules and from the precedents which had been set, in depriving Mr. O'Keeffe of his civil status as manager of the Schools, and he admitted that if he could not do this, he had no case to bring forward at all. In 1863 Mr. O'Keeffe happened to be removed to the parish of Callan, and he was appointed in due course manager of the Schools by the Board. On the 9th April, 1872, at a meeting of the Board, there was a discussion upon two documents, one from the Bishop, the other from a priest who had been appointed administrator of Mr. O'Keeffe's parish. The first was an intimation from Bishop Moran, that he had seen fit to suspend Father O'Keeffe from his ecclesiastical functions as parish priest of Callan; and the other was from the Rev. Mr. Martin, who stated that he had been appointed administrator of the parish, and requested that the money paid to the manager should at once be paid to him. A Motion, by Mr. Justice Fitzgerald, to postpone the matter to the next meeting, was then adopted; and then, on April 23, the Bishop's missive was brought under consideration. The result of that meeting was that the Board

Mr. Bourke

deemed they could take no other action than to defer to the intimation of the Bishop. He did not for a moment impugn the motives of any one of the gentlemen who voted in the majority; but he did think the circumstances of the case so singular that he must ask the House to consider them with attention. For this meeting was the capital one in the whole transaction. The decision taken on this occasion constituted the really distinguishing feature in the case, and all the subsequent Resolutions of the Board were no more than consequences, flowing naturally from this compromising initiatory step. On April 23, the Board accordingly met to decide what should be done to Mr. O'Keeffe, and it deemed itself unable to take any other action than to defer to the instruction of the Bishop and remove Mr. O'Keeffe. But Mr. Justice Morris previously moved that before any action was taken on the document, its nature should be communicated to Mr. O'Keeffe. Under all circumstances this would seem a very fair proposal, but there were special circumstances urging delay. It had been brought under the notice of the Board that Mr. O'Keeffe had instituted a civil suit, which had not come off, to invalidate on civil grounds the suspension on ground of which his removal was demanded. This fact was spoken to by Judge Morris before the Committee, and by the statement of Dr. Henry embodied in the Minutes, where direct reference was made to the pleadings. Notwithstanding this still pending suit, the Board determined to remove—a decision arrived at, however, only by a majority of 1. Now, there was something in the constitution of this majority which it was essential to point out; for this majority of 1 comprised both the Judge who was to preside at the trial of the lodged suit, and the advocate who was to conduct the case. It certainly was not in accordance with the equitable course that prevailed in England, that the Judge who was to adjudicate, and the retained counsel for prosecution, should co-operate to prejudge a case that was pending. But there was yet more. Chief Justice Monahan, who subsequently, after the fatal decision, supported the majority against reversal, in this really decisive division voted against the majority on the express ground that this pending and unheard

suit should bar action. The motives which swayed were indifferent; but he thought the fact symptomatic of the feeling prevalent at the Board. It was said in defence of the Board that they had throughout acted in accordance with the customs, rules, principles, and practice of the Board; and this defence had been set up by several eminent members of the Board. But it behoved them to see what their previous action had been, and what the present one involved. Mr. Keenan was examined on that point, and when he was pressed to say whether his view of the conduct of the Board in submitting to ecclesiastical direction was not reducing it to a purely ministerial position, he said, "Yes, exactly ministerial." Now, this was a Board that expended £546,000 a-year of the public money, and he maintained, therefore, that it was a Civil Board which was the medium of communication between the Government and the educational system of the country; and if that Board was to be a simply ministerial Board, and subject to the direction of Bishops, let the fact be known. For the consequence must be that the educational system of Ireland should be wholly in the hands of denominational autocrats, at whose bidding the Board should pay out the State stipends or withhold them. It was essential to bear in mind that the point involved in this case was not one of sectarian interests—of Protestant *versus* Catholic feelings—but of general State rights *versus* denominational bodies as such and irrespective of any particular tenets. He did not think it was the original intention of Parliament that it should be a ministerial Board, or that the people would be content that it should be. The rules of the Board expressed an earnest wish that the ministers and clergy of different denominations would co-operate in the work; and this showed that the Board was not intended ministerially to carry out the wishes of any one body. Further, the Board reserved to itself, in the clearest and most distinct way, power to give or withhold its sanction from all persons nominated as local managers. There was no limitation of their power of withholding their sanction to appointments of lay managers. It extended also to clerical managers, none of whom could be instituted without the direct sanction and approval of the Board, and therefore

the Board possessed a directing and not a merely ministerial power. Both Judge Fitzgerald and Sir Alexander Macdonald—the latter of whom had been resident Commissioner for upwards of 30 years—were of opinion that there were no *ex officio* managers, and that no person—not even a pastor or a priest—could claim to act as manager unless he derived his title directly from the Board. Great stress had been laid upon the precedents in this case. When the Board was challenged in reference to its proceedings in relation to Mr. O’Keeffe, the reply was that it had only dealt with him as it had dealt with other clerical managers who had been suspended or who were under censure. Regarding this allegation as a most important one, he had taken some trouble in order to ascertain the nature of the precedents relied upon in justification of the conduct of the Board with regard to Mr. O’Keeffe, and he ventured to affirm that not one of those so-called precedents was to the point. The first of the precedents referred to in the Report was the case of a parish priest named Keenan, who, while manager, was suspended in 1845, and in which there was a deferential letter from the ecclesiastical authority which clearly showed that power was vested in the Board. They, indeed, never took action in the matter at all until they had a communication from their own Inspector, whereas, in this case, action was directly taken on a Bishop’s missive. The second was the case of Mr. O’Farrell, in which the Bishop made no attempt to demand his removal from his office of manager, notwithstanding his protracted suspension. The third case was that of Mr. Sheridan, also a suspended priest for years without the Bishop ever venturing to demand his removal. In all these cases the clerical manager had remained manager of the school for some years after his ecclesiastical suspension, and had at length been removed by the Board at the instance, not of the Bishop, but of the Inspector. The precedents relied on in support of the Board had all been broken down already. But there was a feature in this case which took it out of all precedents, and for this reason—that an appeal was pending on behalf of Mr. O’Keeffe—not to any ecclesiastical authority, but in a Civil Court—which ought to have been decided before the Board

—itself a civil authority—took action. He would now mention two precedents, showing that the Board removed unsuspended, and retained suspended priests when it saw fit. The first was the case of the Rev. M. Malone. He was a parish priest, but did something which the Board chose to consider improper—he lent his school room for a political purpose. He was not disturbed in the performance of his duties as a parish priest, but still the Board removed him. That was a case well established, and brought out clearly before the Select Committee. The next case was that of Father Daly, who was a suspended priest for many years—[“No, no;”]—at all events, for several years; and he was a manager of schools during those years. Dr. Henry, who was a hard, zealous, and stern persecutor of Father O’Keeffe—a fierce Presbyterian from the North, always ready with arguments for removing Mr. O’Keeffe—when questioned about Father Daly’s alleged disobedience to the Board, pleaded want of memory; he could only remember the good dinners Father Daly gave. He (Mr. Cartwright) had a few days since asked a strong supporter of the majority of the Board how it came to pass that Mr. Daly had not been deprived of his office, and the answer was—“Well, Father Daly was a difficult man to tackle, and so we left him alone.” It was much to be regretted that Father O’Keeffe was not also a difficult man to tackle. Precedents, therefore, did not justify the peculiar action of the Board in this case. The House doubtless remembered the circumstances under which the Select Committee was appointed. Mr. Bouverie having placed a Notice on the Paper on the subject of Mr. O’Keeffe’s dismissal; the Board saw that notice was being taken of their proceedings, and a memorial was presented to the House by the majority of the Board praying that it might be enabled to explain its action. A Committee was accordingly appointed at the Motion of the Government, and the inquiry was made, members of the minority and the majority of the Board giving evidence on the subject of the reference. So matters remained until the 8th of July, when the noble Marquess the then Chief Secretary for Ireland (the Marquess of Hartington), wrote a letter to the Board, enclosing a new Rule for their adoption. The letter stated that,

Mr. Cartwright

in the opinion of the Government, the Board had only acted according to their own conscientious convictions, and in that statement he readily concurred. He charged them only with error of judgment; but he could not agree with what the noble Marquess added—that what they did was in conformity with the former practice of the Board. The Rule, which was enclosed, stated that the Commissioners reserved to themselves the power of withdrawing a patron or local manager on grounds of unfitness or to promote the harmony of the particular parish; but that such withdrawal should not take place without prior investigation. This Rule was adopted by the Commissioners. Mr. Bouverie thereupon rose in the House and asked whether the new Rule was to be read in the light of the Resolution which he then still had on the Notice Paper, and which he declined to withdraw unless the answer he received was absolutely satisfactory. That Resolution declared—

“That no person should be removed or debarred from the office of manager of a National School in Ireland by reason only of his having been suspended from the exercise of spiritual authority, or from any ecclesiastical office, nor unless, upon due inquiry, it shall appear to the said Commissioners that his tenure of such office will be prejudicial to the efficiency of such school and to the promotion of sound education therein.”

On the 11th July Mr. Bouverie asked the right hon. Gentleman the then Prime Minister (Mr. Gladstone) whether the Rules intended to meet his Motion would be insisted upon not only as regarded the past, but the future. The right hon. Gentleman, in the most explicit manner, declared that that was the intention of the Government, and that under the new Rules it was intended Mr. O’Keeffe should be re-imbursed for any loss sustained by him, and that he should be re-instated in his position as manager of the Callan Schools. He (Mr. Gladstone) further admitted that the Government were ultimately responsible for the action of the Education Board. On those assurances, as fully satisfactory, Mr. Bouverie withdrew his Notice. On July 25 the Board met, and, instead of entertaining an application from Mr. O’Keeffe, postponed it to November, upon which they received a despatch from the Government expressing surprise, and desiring them to pro-

ceed with the consideration of the case as soon as possible. Thereupon Dr. Henry said that it was the custom of the Board to defer important cases arising in the autumn months until the end of the legal vacation; and on that the 7th of October was fixed for the disposal of the case. Fourteen members met, and a novel form of proceeding was resorted to. It was proposed not to dispose the case according to the terms of convocation, but that the further consideration of the case should be postponed until an Inspector was sent on a roving commission to Callan to inquire into and report upon not only what had taken place, but upon any new matter or information which had subsequently transpired, for the instruction and guidance of the Board. The Inspector sent a satisfactory Report, which showed what the condition of the parish was, and, from that Report, it seemed that Mr. O’Keeffe still had a strong hold upon the people. The Board met on the 6th of November. Seventeen members were present, the largest number at any meeting. Before the proceedings commenced a protest was handed in against the course which had been pursued by five of the most eminent members, including two Irish Judges, who were both Roman Catholics, on the ground that the proceedings were not only an infraction of the previous practices and precedents of the Board itself, but a direct violation of the pledge which they had instructed the Prime Minister to give to Parliament as to the construction to be put upon the new Rules—a pledge which had enabled them to escape a direct vote of censure. On the Motion of Lord Monck, it was resolved to refuse the application of Mr. O’Keeffe to put his schools again on the roll, and they finally discharged him as not fit to be trusted with the management of the Schools. That judgment was formed, not on the state of circumstances as they formerly stood, but on the ground of new considerations which had been imported into the case. The Resolution was carried only by a majority of 2, the numbers being 9 to 7; and he must call special attention to the Division List. The oldest Commissioner except one was Lord Kildare, and he declined to concur in the action taken by the majority of his fellow Commissioners at this decisive meeting of the Board on

November 6, 1873, though before acceptance of the new Rule he had consistently supported the original Resolution—which, however, had been arrived at in his absence—to act on Bishop Moran's certificate of censure. On this capital occasion Lord Kildare, however, separated himself in a marked manner from those with whom till then he had sided, and voted in the minority against Lord Monck's Motion. Bishop Moran having got Mr. O'Keeffe removed, wished another manager to be appointed, but he must be a clerical manager. But the Board, which until now had affirmed that as a matter of course the incumbent of the parish must needs be the manager, chose to consider itself vested with the authority to appoint any one of its selection; and in reference to this step Bishop Moran wrote to the Board a letter which was very remarkable. He said the parish was in a peculiar state; the Commissioners were consequently in some difficulty; he would accordingly withdraw his nominee for the present as a matter of policy, but it must be distinctly understood that he reserved to himself the power of nominating the manager whenever the proper time had come. The Board received that letter and made no reply. Did they recognize that right? Where was the line to be drawn between the power of the Board and the power of the Bishop, in presence of this unchallenged pretension by him. He did not profess to be an advocate of Mr. O'Keeffe; he took his case merely as representing the action of the Board in a matter involving interests far greater than individual. If this was to be considered a precedent for the future, they had no guarantee for the education of Ireland apart from the immediate control of the Roman Catholic Bishops, who could nominate and remove the managers, both lay and clerical, of schools as they thought proper. The Bishop's notification of censure, which was supposed to be sufficient for the removal of Mr. O'Keeffe from his civil *status*, rested on a very peculiar document; it rested on the assumption that the Bull *In Cens Domini* was a binding document, whereas it had been formally repudiated by the Roman Catholic Hierarchy of Ireland. The late Dr. Doyle, when examined before a Committee of the House of Lords, stated that this Bull was not then and never

had been in force in Ireland, and had been rejected by nearly every Christian country in Europe. Dr. MacHale also stated that this Bull was not to be attended to if it interfered with the obligations we owed one to another. Inasmuch as the notification received by the Board did not rest upon any particular clause, but was levelled in virtue of the whole instrument, a power of the most dangerous kind was assumed. In virtue of the power thus put in action by Cardinal Cullen, he would have been justified in launching, *ex informata conscientia*, which meant a form of procedure involving no citation, nor any single established guarantee for due inquiry, a fulmination against any lay-manager of a school, who had ventured ever, no matter on what ground, to sue an ecclesiastic before a Civil Court. In virtue of that document the censure levelled at Father O'Keeffe, which had been held valid for his removal from an office of civil *status*, might also have been launched at anyone who got into any trouble with ecclesiastical authority, and would have been equally valid for the removal of any lay-manager of a school by the Board on notification by the Bishop that in virtue of this Papal decree he laid this individual under ban of censure for some delinquency which need not be stated. It was important to know whether this was to be a ministerial Board which was to dispense the State funds at the dictation of an inscrutable authority of this nature. Was the money put into the hands of the Board for the purposes of education in Ireland to be withdrawn the moment the heads of the Roman Catholic Church declared that the conduct of one of their community had not been satisfactory? He had not taken up this question from personal motives, but as one affecting the interests of Ireland in a most serious degree, and determining no less an issue than whether or not the State was prepared to surrender all independent voice in the direction of the educational establishments in Ireland into the unchecked control of irresponsible denominational authorities. The hon. Gentleman concluded by moving his Resolution.

LORD EDMOND FITZMAURICE, in seconding the Resolution, said, that everyone who had listened to the able and exhaustive speech of his hon. Friend must have been satisfied that abundant

reason existed for calling the attention of the House to the circumstances of this case. It was not only that distinct pledges had been given to the House in the matter, and the House had a right to know how they had been redeemed. There was a broader ground than that. Speaking on this question last year, the hon. and learned Member for the City of Oxford (Sir William Harcourt) said, that—

“This was not a matter merely affecting the schools of a parish in Ireland; it involved one of the largest questions which could possibly be conceived, and which was now agitating every part of Europe—namely, how far ecclesiastical authority was or was not to be supreme over the civil authority of the country.”—[3 *Hansard*, ccxvi. 320.]

Earl Russell, in a recently-published book, in which, amongst other subjects, he investigated the relations between Church and State, alluded in the concluding chapters to this O’Keeffe case, and used expressions with reference to it similar to those of the hon. and learned Member for the City of Oxford. Time had fully justified the opinion of the veteran Statesman. This was now the third year in which this case had been before the House, and he thought it was quite time that the question should be settled one way or the other. It was thought last year that it had been happily settled, and he parted with the papers he had collected on the O’Keeffecase with a feeling of infinite relief, and he this year only returned to them with infinite disgust. It was in 1869 that the differences between Mr. O’Keeffe and his curate, who was practically a representative of the Bishop in his parish, began. It was in the following year that his Bishop professed to suspend him, the legality of the suspension being now still in dispute. In 1871 the differences continued. It was in the Spring of 1872 that Cardinal Cullen, acting by virtue of a Papal brief—suspended Mr. O’Keeffe. In April of the same year the Coadjutor Bishop of Ossory informed the Board of the suspension, and the Board, acting upon that mere information, suspended Mr. O’Keeffe from the management of the Callan Schools, and refused him a hearing in defence. Meanwhile, Mr. O’Keeffe had instituted proceedings against Cardinal Cullen in the matter of the suspension. The Board had acted upon the mere

information of the Bishop, and upon the Papal rescript, which had since been pronounced by the highest legal authority in the land to be not worth the paper on which it was written. The Board dismissed a man while a civil suit was pending with reference to the very circumstance upon which the Board had given their decision, while it had also been subsequently proved that they had altogether exceeded their power in dismissing Mr. O’Keeffe, inasmuch as they had no such power, but could only refuse to recognize him as manager. For himself, he could assure hon. Members connected with Ireland that he did not approach the subject from any *odium theologicum*. He did not object to the action of the Commissioners because they were Roman Catholics, but because the course they had entered upon was unwise. Indeed, those of the Commissioners from whom he most disagreed were not Catholics, and some of those with whom he most agreed were Catholics. If a majority of the Board had been members of other Churches—as they might have been but for an unfortunate alteration made some years ago—he should have been just as ready to criticize the course that had been pursued. He had some connection with Ireland, and he was aware of the great services rendered by the Board to education in Ireland. Those services might have been still greater, and the present difficulty might never have arisen, but for an unfortunate change—made, he believed, by Mr. Cardwell, when Secretary for Ireland—in the constitution of the Board. The Board, as originally constituted by the late Lord Derby, was a purely unsectarian body, and members were placed upon it to protect education and not to advance sectarian interests. The Board now consisted of one-half of a particular denomination, and the other half an *omnium gatherum*, which was to make a sort of balance of power. Such an arrangement was calculated to provoke strife, because the members of the Board were now tempted to consider how certain steps affected their sectarian interests. In his able speech his hon. Friend had detailed to the House the subsequent proceedings of the Board, and had shown how men of the highest honour and integrity were the defenders of Mr. O’Keeffe, and attempted to get the majority of the Board to re-consider the

course on which they had so rashly entered. But their efforts were useless. They were met by a solid phalanx who were deaf to argument. Meanwhile the trial of "O'Keeffe v. Cullen" was proceeding, and the Cardinal was betraying in his evidence, though unwillingly, the enormous change which had taken place in the attitude of the Church of Rome during the last few years towards the civil power, and was advancing claims which, if recognized, would not only subjugate every Catholic ecclesiastic, but every layman to the orders of the Church, and effectually deprive them both of every civil right. The result of that trial he had already mentioned. When the Board saw at last that they had sown the wind and were going to reap the whirlwind, they came down to this House in the attitude of injured innocence, in the guise—to use the happy illustration of his hon. and learned Friend the Member for the City of Oxford—in the guise of the *femme incomprise* of the French play; and with all their innocence they were yet so bold as to hope to get a Committee appointed to whitewash them. But that was not to be. And what happened? Only that the conduct of the Board stood out in even worse colours than it did before, and that they were proved into the bargain to have never themselves arrived at any real determination as to the meaning of their own rules. One member said a rule meant this, and another said it meant that, and one said that their continuous practice had always been to do a particular thing, and another said that their invariable habit had been to do just the opposite, and a third member quoted a precedent one way, and a fourth said the third member knew nothing at all about it. He had little doubt that most hon. Members would agree that the proper course for the Board to have adopted was that indicated by Judge Morris, when, in reply to a question before the Committee upstairs, he said—and Mr. Justice Lawson agreed with him—

"(Q. 1300.) I consider that the suspension of a priest, *prima facie*, would be so grave a matter as that it should at once be brought under the notice of the Board and dealt with under the circumstances of the case. In nine hundred and ninety cases out of a thousand I suppose a priest is not, and would not be, suspended for any cause such as would not be also a sufficient cause for the National Board to cease recog-

nizing him as manager; for instance, if there were allegations of misconduct, social or otherwise, I think that we should then inquire as to what were the reasons why he was suspended. These are very often given verbally, as Mr. Justice Lawson stated yesterday, by somebody who knows the facts of the case. And then *prima facie*, I would be disposed to remove him, not upon any rule, not upon any settled *pro facto* principle, but as a question of expediency. If, on the other hand, on full inquiry, I found, as I understood in this O'Keeffe case, that the original ground of his suspension was for having resorted to the tribunals of the country, I would consider it rather startling that a Government Board acting under a letter merely from the Viceroy, should remove a man solely on the ground that he was suspended, knowing, or having the full means of knowing, that that suspension was, because he asserted the right of every subject of the Crown to go to law in Her Majesty's High Court of Queen's Bench. I would not for that simple reason dismiss him: I would require the whole circumstances of the case to be brought before me, on notice to him."

Well, when at last this very select body of gentlemen, the majority of the Board, had got into the Slough of Despond up to their necks, and had half-choked each other with their own contradictions, they again came down to this House, carrying gifts, and chanting hymns of harmony, and they made his right hon. Friend the late Prime Minister their spokesman, and through him they said that as there had been some doubts as to the meaning of some of their rules, they had passed a new rule for their future guidance in similar cases; and being asked by Mr. Bouverie whether he quoted his words—whether, as regarded Mr. O'Keeffe, the rule would be "retrospective," and he

"would be fairly heard and his right to be manager of the schools shall be considered by the National Board, without reference to his being a suspended priest?"—[3 *Hansard*, cxxvii. 211.]

the Prime Minister replied—

"I can give my right hon. Friend a perfectly explicit answer. I could not entertain the smallest doubt that such a body of gentlemen as the Commissioners, in adopting that rule, have accepted it frankly and fully; and not only so, but I consider myself entitled, from information upon which I can rely without any fear of being deceived, to say that the Commission will give Mr. O'Keeffe the full benefit of the rule if he shall renew his application."—[*Ibid.* 212-213.]

That pledge, given in all sincerity, and in the most explicit language by the Prime Minister, was never disavowed by the Commissioners. It was given late in the Session. The moment the House separated, the instant its doors

were closed, and public opinion had no longer its natural outlet and the means of converting itself into action, then the Commissioners showed their intention of evading their pledge. It was perfectly clear that, as Mr. O'Keeffe had been removed from the office of school manager simply because of his suspension as a priest, and as the Commissioners had undertaken to act as if that suspension had never taken place—to say nothing here about its illegality—they were clearly bound to begin by restoring things to that state in which they were on the day before the suspension took place. That was the opinion of Judge Morris, as the following extracts would show. He said in a letter—

“The proposed rule contains two principles:—

“1st. That the educational interests of the district is to govern the recognition or non-recognition of a manager.

“2nd. That a manager is not to be an exception to the general rule, of not condemning a man unheard.

“As one of the minority who unsuccessfully contended for these identical principles in the Callan case, I can have no objection to their being declared by a rule. The action of the majority was in contradiction to both of these principles, inasmuch as the manager of the Callan School was removed avowedly irrespective of the educational interests of the district, and without being heard, but (in the opinion of the majority) in the course of a coercive practice. Whether the proposed rule be declaratory or not, I apprehend that with its adoption the Callan Schools and their manager must be restored, as far as circumstances now admit, to the position they respectively occupied prior to the Resolution of Mr. Justice Fitzgerald of the 23rd April 1872. I cannot suppose that a practice which is reversed by those who consider it existed is to be applied to the Callan Schools. If I were present on Tuesday, I would move the adoption of the proposed rule, but that it should take effect, in the case of the Callan Schools, viz., by a return to the *status ante quo*. I feel sanguine this course would put an end to what is truly described as ‘an unfortunate division of opinion.’ I refrain from contemplating any other result. When the steps that were taken have been thus retraced, any member of the Board who thinks fit can re-open the question of the Callan Schools in the spirit and the mode pointed out by the proposed rule.—I am, &c.,

“M. MORRIS,”

And, again, further on—

“A return to the *status quo*, by the re-appointment of Mr. O'Keeffe at once, appears to me the obvious and most irresistible conclusion from the adoption of the rule, in defiance of which (or of both propositions comprised in it) Mr. O'Keeffe was dismissed. The Government, through the Prime Minister, pledged itself that the rule was to apply to Mr. O'Keeffe, and I fear

they and the public at large may think that this postponement of the inevitable is only trying to play the ‘long game.’ I desire further to state that, upon the restoration of Mr. O'Keeffe to the position he was thrust from, I am quite ready and willing to canvass and decide upon the expediency or propriety of his being continued manager of all or any of the schools upon the basis laid down in the rule.”

Justice Lawson concurred in this opinion. But nothing of the sort was done. The long and vexatious course of inquiry and intrigue detailed by my hon. Friend was entered on, with what results the House knew. Circumstances, not only long posterior to the suspension, but actually springing out of it—circumstances which never would, or could have occurred, but for the suspension, were brought up to criminate Mr. O'Keeffe. In some of those circumstances, he was willing to grant, Mr. O'Keeffe, goaded to desperation by the multitude of his powerful oppressors, and hardly knowing where to turn, acted very indiscreetly; but he hardly thought that anyone, reading the official Papers with an unprejudiced mind, would suspect him of *mala fides*, while the Board, by their conduct of taking advantage of their own wrong, were entering on a course hostile to every rule of law and morality. The opinion of the minority of the Board on these points was of importance. Judge Morris, Mr. Justice Lawson, and Mr. Morell said, writing to the Chief Secretary—

“Office of National Education, Marlboro' Street,
“11 November, 1873.

“My Lord,—Having attended an ordinary meeting of the Board this day, a telegram was received from your Lordship, requesting copy of the proceedings of the special meeting of Thursday last, respecting the Callan case. Inasmuch as the resolution of that day, which will be consequently transmitted to your Lordship, sets forth various reasons for rejecting the application, we think it right at once, and before leaving this office, to inform your Lordship that in voting against the Motion, we not alone relied on the protest lodged some days before against the entire course of proceeding, but also challenge and impeach the accuracy and force of several, if not all, of the reasons assigned in the Resolution, and which are, in our opinion, calculated to convey a false impression to the mind of any person not familiar with the facts of the case. In a communication thus hastily drawn up, it would be obviously impossible to enter into particulars as to each of these assigned reasons, and we, therefore, now content ourselves with pointing out that, though only brought forward in that shape at the meeting of Thursday last, they purport to be based on matters substantially, if not entirely, within the

knowledge of the Commissioners before the adoption of the new rule in July last: we confess our inability to understand why, if these reasons existed, and were sufficient to disentitle Mr. O'Keeffe to be a manager, there was any necessity for an investigation or report by the inspector as to the condition of the schools.—We remain, &c.,

"J. A. LAWSON.

"M. MORRIS.

"C. L. MORELL.

"To the Marquess of Hartington,
Chief Secretary for Ireland."

Mr. O'Keeffe having had the good fortune to escape from Cardinal Cullen had the misfortune to fall into the hands of Dr. Henry, whose chief object seemed to have been to prove that Presbyter might mean priest writ large. Mr. O'Keeffe in this resembled the famous and unfortunate Servetus, the protomartyr of Unitarianism, who was condemned by the Catholic Bishop of Vienno to death, and in order to escape from his sentence fled to Geneva, where he was captured by the Protestant Pope, Calvin, and burnt at the stake. Now he confessed that he would sooner be tried on a charge of heresy by the Cardinal than by Dr. Henry, because in the former case he would presumably be tried by the canon law, and would have an opportunity of making himself acquainted with its principles and conducting his defence accordingly, while if he was to be tried by Dr. Henry he would have to be furnished with a copy of the code of morality which that gentleman had evolved from his inner consciousness, the rules of which were various but all had one result—namely, the condemnation of the person under trial. But he hoped that however powerful the Irish Board of Education might be, and however great their past services might have been—and they had been very great—they would not be found to be so powerful as to be able to set the clearly expressed opinion of this House at defiance, as very clearly expressed it was last Session. This was a matter of justice to an individual, and no injured man had ever appealed to this House in vain. He had been told that Mr. O'Keeffe was unworthy of the protection of this House. He had been told that he was a rough fellow; he had even been told that he was an ugly fellow and talked with a brogue. That was not a crime in his eyes. The use of such arguments reminded him of the arguments that were used in the last century

to dissuade people from supporting Mr. Wilkes. It was said that Mr. Wilkes could not possibly be a proper defender of civil liberty because he was so ugly, and had a squint in his eye. He was indifferent whether Mr. O'Keeffe was ugly or good looking, or tall or short, or whether he spoke with the tongues of men or those of angels. He was to him simply a man who had been wronged in his civil rights and was seeking redress. In one of the greatest speeches of the greatest orator this country ever had, those who sat in "another place" were reminded that the civil rights and liberties which were enjoyed under the Constitution were the property not only of the rich and powerful, but of every free man. Had Lord Chatham lived now he would have told the House not only that they were the right of every free man, but that an English ecclesiastic could not lose them; and he would have silenced and put to shame those who wished the *ipse dixit* of a priest to override the sentence of the Judges of the land, to sway the decisions of national Boards, and regulate the expenditure of vast sums of public money, and would allow the members of each religious denomination, bound hand and foot in the meshes of ecclesiastical law, to be debarred from their civil rights, and grow up a community of slaves in the midst of a free people.

Motion made, and Question proposed,

"That, in the opinion of this House, the action taken by the Irish Commissioners for Education in reference to the Callan Schools has been marked with inconsistency, and has not been in conformity with precedents or with the spirit of its regulations."—(*Mr. William Cartwright.*)

THE O'CONOR DON said, he had hoped that after the action taken by the House of Commons in the last Parliament, the case of Mr. O'Keeffe was not likely to be brought up again. The Committee of last Session, which was, with one exception, composed of men who either then or now held office under the Crown, had inquired into the whole case with the greatest minuteness and diligence. They sat from day to day, and the evidence they took was immediately presented to the House and to the Government, so that no delay might arise in settling the question. The late Government considered the evidence of

Lord Edmund Fitzmaurice

that Committee, and the opinion of the Cabinet was presented to the House of Commons in the form of a letter, being to the effect that not only had the Commissioners acted with a *bona fide* intention, but that they had acted in accordance with the precedents which governed such cases; and that they would have been establishing a new precedent had they acted otherwise. The letter in which that opinion was expressed was presented to the House of Commons, and was accepted by both sides as satisfactory, and apparently with the concurrence of the supporters of Mr. O'Keeffe. That being so, one would scarcely have expected that the House would be called upon again to go over all the ground which had been traversed by the Committee, and upon which the House had last year come to a decision by endorsing and accepting the action of the Government. He could not, however, allow to pass uncontradicted the statements which the hon. Member who brought forward this subject had made as to the action of the Board in the former cases. In the cases of Dr. Keenan, Dr. Wilson, Mr. Sheridan, and Mr. O'Farrell, it would be found that the same course had been uniformly followed—that whenever the suspension of a clergyman had been officially made known to the Board they instantly removed him. He challenged the production of a single instance in which a suspended clergyman had not been removed, when once his suspension had been officially made known and his removal demanded; although he did not deny that a clergyman might have continued to act as manager for a time after actual suspension, because the Board did not apparently consider themselves bound to act until the fact of suspension was brought formally before them. No clerical manager had ever been continued after his suspension was formally announced by his ecclesiastical superior and his removal demanded. In Mr. O'Keeffe's case the Board had acted in accordance with the precedents laid down by their predecessors. Mr. O'Keeffe was not removed immediately on his suspension; no notice of that suspension was taken by the Board for months after it occurred, nor until it was formally brought before them by his Bishop. It had been attempted on previous occasions to make out that the Board

acted in subservience to the Catholic prelatry of Ireland; but that ground, he was glad to observe, appeared to have now been abandoned. Those who knew Judge Longfield, Dr. Henry, the Marquess of Kildare, Lord Monck, and Mr. Gibson—who was the leading adviser of the Presbyterian body in Ireland—would not suspect them of any subserviency to the dictation of Cardinal Cullen or any Roman Catholic Bishop. The Board regarded the question in this light—whether it was desirable that a clergyman should be continued in the management of a school, no matter to what denomination he might belong, after having been formally suspended by his ecclesiastical superiors? Mr. O'Keeffe was appointed manager of these Schools not because he was Mr. O'Keeffe, but because he was the parish priest of Callan and the representative of the inhabitants to whom the Schools really belonged, and whose children were educated in them. Was there anything inconsistent, then, in the Board refusing to continue him as manager when he was suspended from his ecclesiastical office, and therefore ceased to have the confidence, at all events, of a large proportion of the parishioners who accepted that suspension and regarded him as a degraded priest? With regard to the argument that he ought to have been at once re-instated by the Board after the adoption of the new Rule last year, and that no inquiry should be held in the first instance as to his fitness to regain the managership, there was nothing to warrant this conclusion either from the question asked by Mr. Bouverie or the answer of the late Prime Minister; and Mr. O'Keeffe's letter showed that he understood that he was to prove, in the first instance, that he was a fit person to exercise the trust before he would be restored. The Board, on Mr. O'Keeffe's first removal, had gone through the form of appointing another manager, and it would have been impossible for them to replace Mr. O'Keeffe in the summary manner which some persons demanded. Allusion had been made to the delay on the part of the Board in coming to a definite conclusion in respect to the application of Mr. O'Keeffe. He regretted that delay, but there were certain reasons for it. They must remember that the time of the year when these occurrences took place was in the Long Vacation, when many Judges were on circuit, and the members

who were able to be present would have been open to rebuke if they had passed a Resolution hostile to Father O'Keeffe, as they might easily have done, in the absence of his friends at the Board. The Board accordingly resolved to postpone the matter until November. At the instance of the noble Lord, then Chief Secretary for Ireland, the meeting was held in October, and the Board gave Mr. O'Keeffe the benefit of the new Rule. They made the fullest inquiry, and the majority came to the conclusion that Mr. O'Keeffe was not a fit and proper person to be re-appointed. Could the hon. Member for Oxfordshire (Mr. Cartwright) contend that Mr. O'Keeffe was a fit person to be appointed as manager of a school after all that had occurred, or that his appointment would have been advantageous to the interests of education in the district? If he could not, what was the complaint? Nothing but that a matter of form had been disregarded—that he was not set up as a nine-pin to be knocked over. That was trifling with the House. Then, what was the object of the Motion? Was it to restore Mr. O'Keeffe to the managership of the Callan Schools? That was impossible, and he did not think the hon. Member for Oxfordshire thought it was possible. The only object of the Motion really was to break up the National Board of Education in Ireland. ["No, no."] That would be its only logical effect. If it were thought desirable to break up the Board, well and good; but let it be done by a substantive Motion, and not by a side-wind. Let the Board be broken up in a straightforward way, and on the responsibility of the Government.

SIR MICHAEL HICKS-BEACH, in rising to move the following Amendment—

"That this House, without expressing any approval of the conduct of the Commissioners of National Education in Ireland in originally dismissing Mr. O'Keeffe from the office of Manager of the Callan Schools, is of opinion, having regard to the course taken by the Board since the adoption of the Rule of July, 1873, and to the existing arrangements for the management of the Schools, that there does not at present exist any sufficient ground for the interference of Parliament,"

said, he had not wished to interfere too early with the debate, but he confessed, when he remembered the Notice of Motion originally given by the hon. Member for Oxfordshire (Mr. Cartwright)

that he had been somewhat surprised at the course the debate had taken. The first Notice of Motion given by the hon. Member was—

"That, in the opinion of this House, the action taken by the Irish Commissioners for Education in reference to the Rev. Mr. O'Keeffe was not in accordance with the Rule adopted by the Board;"

and though, at a more recent period after the perusal of the Papers on the subject, the hon. Gentleman had thought proper to alter the terms of his Motion, yet it might have been supposed that his speech that night and that discussion would have been confined rather to what occurred after the passing of the new Rule than to a review of the whole question. He must say that a review of the whole question at the present moment was of no practical use or importance. It had been already discussed more than once in that House, and he believed it was thought that, as far as the main principle involved was concerned, it was finally and satisfactorily settled by the adoption of the new Rule in July last by the Board. But as the hon. Member for Oxfordshire had alluded to what preceded the adoption of the new Rule, he wished to make a few remarks on the general question. The practice of the Board of Education in Ireland appeared formerly to have been to dismiss from the office of manager of schools any clerical person who might have been suspended by the episcopal authorities of his Church, simply on the ground of that suspension. Well, if that had been the course, whether in accordance with precedent or not, at any rate for the future he thought no such course could be followed by the Board after the adoption of the new Rule. The new Rule was that the Commissioners reserved to themselves the power of withdrawing the recognition of a patron or local manager, if he failed to observe the Rules of the Board, or if it appeared to them that the educational interests of the district required it; but that such recognition would not be withdrawn without an investigation into the matter, held after due notice to the patron or local manager and all the parties concerned. Now, if that Rule were properly carried out, and strictly acted upon—as he thought it ought to be—it seemed to him that there was no ground for many of the statements made that night. If the Commissioners acted—as

he thought they should do—as a directing rather than a ministerial body, they would be fulfilling the functions with which Parliament had intrusted them; and if they ceased to regard themselves in that light, if they subjected themselves to a foreign and external influence, they would cease to fulfil those functions in accordance with the wishes and the design of Parliament. The Commissioners by accepting the new Rule had, it seemed to him, unanimously declared that it was their intention in future to carry out the principle that the mere suspension of a priest should no longer, whatever it might have been in the past, be a ground for his removal from the office of manager of a school; that they would in such an instance hold an inquiry into the merits of the case, and that on that inquiry and on the educational interests of the district would depend their action in the matter. The noble Lord the Member for Calne (Lord Edmond Fitzmaurice) had quoted an answer of Mr. Justice Morris, given to a Member of the Select Committee last year. Mr. Justice Morris said he regarded the suspension of a priest as so grave a matter that it ought at once to be brought under the notice of the Board, and dealt with according to the circumstances of the case; that if there were allegations of misconduct, social or otherwise, the Board ought to have an inquiry into the reasons why he had been suspended; and that Mr. Justice Morris would be disposed to remove him, not on any Rule or invariable principle, but as a question of expediency; but that if, on the other hand, it was found that the ground of the suspension of the priest was for having resorted to the ordinary tribunals of the country, he would object to that being held as any reason for dismissing him from the office of manager of a school. Now, if the new Rule was carried out—and he believed that this was the wish of the Commissioners, and it certainly was the intention of the Government to use their best efforts to see it carried out—then that opinion of Mr. Justice Morris would be practically acted upon in any case which might arise. But the question now mainly before the House was how far the new Rule had or had not been acted upon in the case of Mr. O’Keeffe, and whether that gentleman had any ground of com-

plaint against the action of the Board of Education with reference to his position since their adoption of the new Rule? Could he be considered, in the terms of the 9th Rule, a fit and proper person to exercise the trust of manager, or, was it the fact, in the terms of the new Rule, that the educational interests of the district required that he should be no longer recognized in that position. Those were the points upon which he thought the House would be disposed to form its decision. Into the question of Mr. O’Keeffe’s personal fitness he did not wish to enter. In the Papers laid before the House, the Commissioners stated very full and elaborate reasons for declining to recognize him as personally fit to be a manager of schools, and any hon. Member who read the evidence given by Mr. O’Keeffe himself before the Select Committee would be of opinion that many grave and reasonable objections might be urged against his being recognized as manager of the Callan Schools. He would simply take two points; first of all, the removal, which Mr. O’Keeffe himself admitted, of a very able schoolmistress from her position because she did not attend the Communion at Easter in his parish church; and secondly, the mode in which he appeared to have induced one of the teachers of his schools to affix, without the authority of Mr. Martin, the name of Mr. Martin, the rival priest of Callan, to a certificate which was to be sent to the Board of Education in order to obtain from the Board part of the salary for one of his teachers. Without expressing any opinion on them, he yet thought those were charges of very considerable importance, and if inquired into they might have led the Board to the conclusion that Mr. O’Keeffe was not a fit and proper person to be manager of those Schools. But the evidence as contained in the Report was before the House and the country when the promise alluded to in the present debate was made by the late Prime Minister; and, therefore, if the late Prime Minister had undertaken that Mr. O’Keeffe would be re-instated without inquiry as manager of the Callan Schools, those personal objections could hardly be fairly brought against him. But what were the facts of the case? He had looked carefully at the Question asked on July 11, 1873, by Mr. Bouverie,

and he found that while expressing himself perfectly satisfied with the adoption of the new Rule, Mr. Bouverie required that Mr. O'Keeffe should be fairly heard, and his right to be manager of the Schools considered by the Board without reference to his being a suspended priest. The late Prime Minister replied that the Commissioners would give Mr. O'Keeffe the full benefit of the new Rule, and that he was to make his application; and Mr. Bouverie thereupon expressed himself satisfied, saying that the general object which he had in view was gained. But Mr. Bouverie never asked, nor did the late Prime Minister promise, that he would be re-instated without inquiry; and Mr. O'Keeffe himself never expected that that would be done, for in a letter he addressed to the Board at the end of July he said he had been given to understand that owing to certain changes made in the Rules, the Board would no longer think it their duty to ignore him as manager of the five Schools of that parish which had been erased from their school-roll, and that on satisfying them that he was a fit person for the exercise of that trust, they would recognize him as manager of the Schools. That implied that, in the minds of all who took the most active part on the subject, it was understood that some inquiry would be necessary before he was re-instated. He fully admitted that there was a general impression in the House, after the Question and Answer to which he had referred, that somehow or other Mr. O'Keeffe would obtain the benefit of that Rule. But the notion that he would, as a matter of course, be re-instated without inquiry was not practically borne out by anything stated in or out of the House, and he could not find that the Commissioners ever made such a promise. The main point raised under the new Rule was how far it would be in accordance with the educational interests of the district that Mr. O'Keeffe should again be recognized as the manager of the schools. The hon. Member for Roscommon (the O'Connor Don) was quite right in regretting the delay that had occurred in the consideration of Mr. O'Keeffe's application. It seemed to him (Sir Michael Hicks-Beach) that it would have been better if a matter which had attracted so much public attention had been earlier dealt with. But when the Com-

missioners came to deal with it in October, they appointed an Inspector to investigate the state of the schools in Callan under Mr. O'Keeffe's management, and that Inspector was carefully directed to perform this investigation with a due regard to the manner in which Mr. O'Keeffe's position, and that of his schools, had been affected by the results of his suspension. The Inspector made what had been admitted to be a very fair inquiry, and the result was as followed:—it appeared there were 1,105 children of school age in Callan parish, and that out of that number, more than 400 were not attending the schools, or were attending schools outside the boundaries of the parish. The fact was that 125 children, representing 47 families, had been withdrawn from Mr. O'Keeffe's schools since April 1872, and sent to other schools, and that a considerable number of families, approximately one half of the total number, refrained from sending their children to any of the rival schools—a fact almost sufficiently accounting for 2,000 of the inhabitants being totally illiterate. No one could say that this state of things was satisfactory as far as the educational interests of the parish were concerned. What was the action of the Commissioners? They declined to re-instate Mr. O'Keeffe in the management of the schools on the grounds stated in the Papers laid before the House. They proceeded not only on personal grounds, not only on the ground of the educational interests of the parish, but also on the ground of having received from the Town Commissioners of Callan an unanimous protest against the re-instatement of Mr. O'Keeffe, and because the Callan National Schools Committee had protested against Mr. O'Keeffe's appointment as highly calculated to obstruct the progress of education in the district. Upon all those grounds the Commissioners refused to recognize Mr. O'Keeffe as the manager of the schools; but this by no means showed that they were subservient to clerical influences; because they did not propose to appoint as manager in Mr. O'Keeffe's place the gentleman who had been temporarily appointed to perform Mr. O'Keeffe's priestly functions in Callan. On the contrary, they proposed, subject to the approval of the local parties of all opinions, that a gen-

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man free from any imputation of partiality to one side or the other should be as manager pending the settlement of the disputes, and suggested Mr. Brassington, the local agent of the freehold estates and the representative of the family which for 45 years had largely contributed to the schools. Mr. Brassington accepted the charge, the priest temporarily in charge of the parish agreed to transfer his schools to him, and Mr. O'Keeffe himself expressed his willingness, pending his appeal, to do the same, in the interests of education and for the sake of peace and charity. As the matter was arranged in November last, and in accordance with the request of the late Secretary for Ireland (the Marquess of Hartington), the Report of the Resolution arrived by the Commissioners on the subject was transmitted to the Government. There was nothing in the Correspondence to show that the late Government took any action in the matter, and therefore it was to be assumed that they approved of the action of the Commissioners. A sum exceeding £100 was subsequently paid to Mr. O'Keeffe, or his teachers, for the services of the latter since his suspension, and as the question remained when the present Government acceded to office, what course would the hon. Member for Oxfordshire suggest should be adopted? Here were those Schools, some belonging to Mr. O'Keeffe, and some belonging to Mr. Drea, representing rival interests of the place, formerly conducted under one manager. Mr. Brassington was a gentleman of position and property in the town, and had also shown his devotion to the interests of education, and nothing could be better in the state of those Schools under his management. Would the hon. Member for Oxfordshire suggest that some or all of the Schools should be removed from management of Mr. Brassington and placed again under the management of Mr. O'Keeffe, or would the hon. Member wish to revive in this parish the disputes by again replacing Mr. O'Keeffe in the office of manager merely in order that on a future inquiry being made he might be removed? It was asked of him (Sir Michael Hicks-Beach) that whatever might be said in favour of such a course, this much might be said against it—that it would be

directly opposed to the best educational interests of the parish. He could not see that any better arrangement could be adopted than that at which the Commissioners of Education had arrived; and therefore, if the hon. Gentleman desired to censure the Commissioners for their conduct towards Mr. O'Keeffe since the adoption of the new Rule, he ought also to have stated to the House in what way he thought they could have better promoted the cause of education. Last year they had discussed this question as a matter of principle, and he thought they had arrived at a satisfactory solution on that subject. He hoped and believed that, whatever it might have been in the past, the National Education Board of Ireland would in future be a directing and not a ministerial Board. He was sure that the mere suspension of a priest would be no reason for removing him from the management of a school; but in the present case, Mr. O'Keeffe's re-instatement would have been impolitic and wrong. If the Motion were pressed, he must meet it with the Amendment of which he had given Notice. Whatever mistakes the Commissioners might have made, they had for more than 40 years directed national education in Ireland; Roman Catholics, Presbyterians, and Episcopalians having, under their guidance, united in favour of national schools, and more than 1,000,000 scholars being on the rolls; while more than £500,000 annually granted by Parliament was under their administration. He hoped that, even on the grounds placed before it by the hon. Member for Oxfordshire, the House would hesitate to censure a Board which had done so much good, and which, whatever its minor mistakes might have been in this matter, had, he believed, acted throughout with a conscientious desire to promote the interests of education in Ireland. The right hon. Gentleman concluded by moving the Amendment of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, without expressing any approval of the conduct of the Commissioners of National Education in Ireland in originally dismissing Mr. O'Keeffe from the office of Manager of the Callan Schools, is of opinion, having regard to the course taken by the Board since the adoption of the Rule of July 1873, and to the existing arrangements for the management of the Schools,

that there does not at present exist any sufficient ground for the interference of Parliament,"—
(*Sir Michael Hicks-Beach*,)
—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LYON PLAYFAIR: I agree with my right hon. Friend the Secretary to the Lord Lieutenant that it is better to limit the discussion to the distinct operation of the new Rule. But in doing so the individual case of Father O'Keeffe must be viewed as an illustration of its operation in regard to managers of schools generally; both as to the powers exercised by them, and as to the mode in which State money is spent through their agency. Because, unless the new Rule is acted up to in the spirit as well as in the letter, the future of national education in Ireland would be carried on in entire subservience to clerical influences. Even under the old Rules, the Board possessed the undoubted right to withdraw recognition from a school manager, when it was for the interests of education that they should do so. Unluckily, however, the Board so rarely exercised their right that its very existence became doubtful. The new Rule asserts it more plainly, but its usefulness will depend, not upon its existence, but upon its exercise. The Commissioners have not begun its operation by inspiring us with confidence. It was by acting in practical submission to the clerical nomination of managers, when none of their published Rules indicated that they did so, that this O'Keeffe controversy arose at all. They had in former cases dismissed managers on the ground of clerical suspension, and they construed these precedents into an unwritten rule, which, if it had been understood by Parliament, would certainly have made it difficult for us to vote supplies. The contention now is that Father O'Keeffe was appointed manager because his clerical office was an *a priori* evidence of his fitness, but that he did not receive the office as a priest. Well, but it was the custom to receive the Bishop's nomination of a priest as a matter of course; and it was the custom to dismiss the priest if the Bishop suspended him. I admit, however, that though this was the custom, there was no *ex officio* sanction given by

the Rules. If office did not confer a right to the appointment of a manager, loss of office could not carry with it a disability, unless he had become otherwise unfit. Originally, the registered manager was Robert O'Keeffe, appointed to take charge of the secular education in Callan; and he was the same Robert O'Keeffe after Cardinal Cullen suspended him. The Commissioners, then under Government pressure, accept a new Rule implying this secular relation to schools, but the Commissioners mete out to Father O'Keeffe Jedburgh justice—that is, they first hang a man and then try him. They first summarily dismiss Father O'Keeffe, refuse to pay his teachers, plunge a poor priest into some hundred pounds of debt, resist him with official obstacles, render him desperate, and then are surprised that at last he loses his prudence and writes intemperate letters. Now, they use these intemperate letters to declare him an unfit manager, though they virtually admit themselves in the wrong by paying all the arrears of salaries which they had steadfastly refused; but they do not restore to him his position. So much for the personal part of the question. The hon. Member for Roscommon (the O'Connor Don) says that the Commissioners acted in a like spirit to the clergy of the Episcopalian and Presbyterian Churches. I admit that my hon. Friend is right as to fact, but I do not admit that it was right thus to convert a national system, established on an unsectarian basis, into a purely denominational one. My hon. Friend in substance says that the Commissioners had meekly put their necks into an ecclesiastical yoke, and patiently plodded onward, unmindful whether the goad, which urged them on, had a Catholic or a Protestant point. But, as in spite of the manifestations made in Parliament, the Commissioners have shown no appreciation of the formidable danger into which they were leading a system of education, purposely framed to be independent of sectarian influences, it is necessary to call direct attention to the anomalous and dangerous powers over public expenditure given to managers of Irish schools. Those will be best understood by comparing them with the powers granted to managers of schools in Great Britain. The managers of our schools, through subscribers, contribute about

one-third of their cost, the children, in school pence, paying about another third, while the State contributes the remainder. In England the school buildings are legally destined to education, and the school teachers must be properly trained and certificated. Subject to these conditions, the managers may appoint and dismiss teachers. In Ireland the conditions are quite different. Practically, the managers take no part of the burden, for the whole amount of local contributions, including endowments and subscriptions for all Ireland, are only £13,319. On the cost of a child's education this is only 4 per cent, as compared with 33 per cent in England. But though managers of schools in Ireland, either through themselves or subscribers, scarcely aid education by their contributions, they have usurped the most extraordinary control over the schools. They claim the right to appoint any man or woman to be teachers, whether they have any qualifications or none, and to dismiss them at pleasure. It is true that the National Board may decline to pay a teacher if he be unfit, but it requires a wonderful amount of unfitness to move them to action. It simply amounts to this—The manager claims the absolute power over a teacher that a master does over a servant. only the State, which has no power over that servant, has to pay 86 per cent of his wages, while the local managers provide only 4 per cent, the children paying the rest. Now it is obvious that under this extraordinary arrangement, the Board of National Education ought to have kept themselves free from any recognition of a manager, except on the single ground of educational efficiency. To admit, as they did, *quasi* clerical managers, practically on account of their clerical office, was to hand over the expenditure of public money from themselves to the churches. This was all the more certain in Ireland, because three-fourths of the schools are non-vested—that is, are buildings absolutely belonging to the patrons. That is not an accident, but a design. In a decree of the Roman propaganda of 16th January, 1841, occurs the following passage—

"The sacred congregation is also of opinion that it would be very useful that the school-houses should be exclusively vested in the Bishops or the priests."

And the propaganda has been well served in the result. Now, observe the position in which the State is placed, unless we distinctly refuse to have any participation in the acts of the Board relating to Father O'Keeffe. He was the registered manager of five Schools. The Cardinal suspends him, whether legally or not is no matter at present. Thereupon the National Board deliberately wipe out these five Schools from the national system, because they doubt whether O'Keeffe is the priest of the parish, although the secular education is going on as before, under the same teachers and the same manager. Surely the House cannot fail to see the importance of the issue. We vote £500,000 for secular education in Ireland; the Board practically hands over its administration to the local managers, who are mainly priests, and these managers in three-fourths of the schools in Ireland have absolute power over the school buildings as well as the teachers, though they contribute only 4 per cent to the expenditure. I do not in the least hide from myself the gravity or difficulty of the situation. The Roman Catholic priests could to-morrow, if they wished it, destroy the system of national education in Ireland by withdrawing three out of every four of the schools. It would be lamentable to alienate the priesthood from their educational efforts in Ireland. There is abundant need of all their energy. Turn to page 35 of the recent Paper issued to us, and you will see a remarkable illustration. Forty-eight parents of school children ask the Board not to re-instate Father O'Keeffe as manager of the Schools, and of these 48, no fewer than 31 are unable to sign their names. In the parish of Callau, with its 4,824 inhabitants, only 2,104—less than one-half—can read and write. A system of management that can allow such results as these is deplorable, and I dare say Father O'Keeffe was no better than many other Irish managers. For, looking into this case, I have been struck with the woeful condition of Irish education. There are nearly 1,000,000 children on the rolls, but only 359,000 are in average attendance. England is bad enough, with its 20 per cent of school absences, but Ireland, with its 64 per cent of truant children, indicates the most wasteful application of public money. Sooner or later you must

grapple with the state of Irish education as a whole. In the meantime, I doubt whether my hon. Friend (Mr. Cartwright) would be wise to push his Motion to a division against the Amendment of the Irish Secretary. My hon. Friend has raised a useful discussion, and it may be that Father O'Keeffe will prove a benefactor to Ireland, if the result of this discussion lead the National Board to review their relations to the local managers. And it will be productive of still more good if it awaken the managers themselves to a sense of their responsibilities by showing them that their appointment depends, not on the accident of official relation to a church, but upon the efficient discharge of duties which they have voluntarily undertaken to perform for the national good. But, unsatisfied as I am with the present state of education in Ireland, I desire to vote for the Amendment of the Irish Secretary, because I am not prepared, on a Resolution such as my hon. Friend the Member for Oxfordshire (Mr. Cartwright) has proposed, to shake the present system until the Government is prepared with another in its place. On a substantive Motion for the amendment of the unsatisfactory condition of Irish education I shall be prepared to vote; but not on one of censure without reference to its consequences. But even as regards the Amendment I have some difficulty. It conveys an indirect approval of the "existing circumstances" under which the Callan School is managed. What are they? A layman—Mr. Brassington—manages them to the satisfaction of all parties. But the Bishop of Ossory has written an extraordinary letter to the Board of Education on the subject. He says, while recognizing that layman for the present—

"I wish it, however, to be clearly understood that I reserve the right of nominating the parochial administrator *pro tem.*, the permanent manager of said schools, when peace shall be fully restored in the parish of Callan."

Well, here is the ecclesiastical demand again put forward in its most arrogant form. That letter is dated 29th November, 1873. The Commissioners do not reply to it. Does their silence mean assent? Does this unrepudiated demand of the Bishop of Ossory form part of the "existing circumstances" under which the Schools of Callan are managed? Unless the Government clearly answer

these questions in a satisfactory manner, I cannot vote for the Amendment of the Irish Secretary, though I think, on the whole, it best meets the circumstances before us.

Mr. HENLEY said, he had never read any Papers with more pain than the Papers which had been recently circulated among hon. Members with reference to this question. In these Papers he found that one of the great complaints formerly made against a body of gentlemen was that they condemned without hearing—a matter which was repugnant not only to Englishmen, but to men who were properly constituted, no matter in what part of the world they lived. And then he found that certain things took place in that House, and that the noble Lord opposite (the Marquess of Hartington) suggested to the Commissioners a Rule that might possibly prevent similar inconveniences in the future. There seemed no good reason why that Rule had not been adopted, or why things had been allowed to remain as they were before it was suggested. It seemed that afterwards there was a sort of pledge given by the late Government, with the consent of the Commissioners, that some retrospective action should take place; but had this been fairly and honestly carried out? The noble Lord seemed to think that the Commissioners were unduly dilatory in postponing until the month of November any consideration of this matter, and he stirred them up—if the phrase might be allowed. And what was the result of this stirring up? They sent an Inspector to Callan to look into the state of things existing there, but they were unable to discover any ground—as far as he knew—for blaming the man they had first tried to ruin, and then they took the most likely steps possible to prevent the bringing about of a state of things such as the majority of that House could wish to see. Next, as soon as this state of facts was set forth, a Member of the Board drew up and sent to the Commissioners what might be called a string of 100 indictments, charging the unfortunate man, O'Keeffe, with everything that could be laid at his door, short of murder—and a copy of this document was sent to Mr. O'Keeffe; but nothing else was done until, a considerable time afterwards, a Report was issued—a Report which could contain

nothing new, for all the facts of the case were perfectly well known to all those who were in any way interested in the matter. And then having, as he had remarked, sent an Inspector to visit and report upon these Schools, the Commissioners, when drawing their final Resolutions, took no notice of the Report, except to say that they did not act upon it. They not only did this, but they acted upon the final Resolutions to which he had just alluded when deciding against re-instating Mr. O'Keeffe. Further, they said to Mr. O'Keeffe—"Not only shall we not recognize or re-instate you as a manager of the schools, but we will never recognize any Manager—not, against whom such offences as you are said to have been guilty of are proved, but against whom such offences are even alleged." This was simply justifying their own line of condemning a man unheard. It was, to his mind, the most extraordinary course ever taken in a public proceeding, and not one which savoured of a desire to do justice. This last part of the play, if he might so call it, forced him to hark back and form an opinion as to how far the Commissioners might have been just in their former action. It was impossible for him to divest himself of this idea, because the conduct of the Commissioners appeared so unusual, strange, and unjust that he could have no confidence in such a body. The Motion of his hon. Colleague was moderate in its terms, and he, for one, should be disposed to support it.

Mr. SULLIVAN said, the course of the debate had been considerably widened, notwithstanding the remarks in which the Chief Secretary pointed out that the only matter open to discussion was whether the Commissioners of National Education in Ireland had or had not carried out the resolution passed by themselves at the instance of the late Chief Secretary. That debate was certainly a remarkable one, in which the Minister was cheered by the Opposition, and the ex-Minister (Mr. Lyon Playfair) found applause only from the Ministerial benches. He, for one, found nothing to complain of in the speech of the Mover of the original Motion (Mr. Cartwright), and still less in the speech of the noble Lord who seconded the Motion (Lord Edmond Fitzmaurice). They were speeches devoid of the bitterness which in former debates stirred up much evil

feeling in Ireland. He had hoped that a calm and rational tone would have pervaded the whole of the discussions of that evening; but a speech had been made from the front Opposition bench foreshadowing a policy which he challenged the ex-Minister who had made the speech to attempt—in the event of his again obtaining office—to carry out in Ireland. No Government could, he maintained, carry out the system of National Education in Ireland on any other principles than those which had been shadowed forth by the right hon. Gentleman who had spoken shortly before from the Treasury Bench. In Ireland, previous to the introduction of the present system, statute after statute had been passed to enforce compulsory ignorance, and if the Resolution now under discussion were carried that system would fall to pieces in six months. The founder of the system, Sir Robert Peel, after an able historic retrospect, told the Parliament of the day that it was essential to establish in Ireland a system "from which every suspicion of proselytism should be banished." He saw that it was absolutely necessary to secure the co-operation of the Roman Catholic clergy, as well as to bid fairly for the support of the clergymen of other religious denominations. He knew that without the aid of the Roman Catholic clergy he could never establish a system which had wrought so much good in Ireland, and he was well aware that if a suspended priest was to be maintained as the patron of a school it could never succeed. That was the truth; and the sooner the House was told the exact truth in the matter the better. He warned hon. Members that the national system of education could not be continued in Ireland if suspended priests were to be made patrons of the national schools. The Secretary for Ireland had evidently studied that truth, nor would it be the system which had been foreshadowed by Sir Robert Peel, which would seek for its instrument in a degraded priest for the instruction of the youth of the country. Once a priest was suspended in Ireland, it was impossible that he could remain in his position as a teacher. ["Oh, oh!"] He heard the cries of "Oh, oh!" but he told those who uttered those cries that whether in Ireland, England, or Scotland, no degraded or suspended priest would

be allowed to be the manager and controller of schools intended to educate the people. He would ask hon. Gentlemen opposite, from whom those interruptions came, what course it was that they desired the Commissioners of National Education in Ireland should pursue? Were they to constitute themselves an ecclesiastical tribunal to pronounce an opinion on ecclesiastical matters? Suppose a parish priest were suspended by his Bishop, and that he thought the Bulls relating to his case had been misconceived by the Bishop, was he to appeal to the Commissioners to take all the canons of the Church and the proceedings of the Council of Trent into their consideration, with the view of deciding whether the censure of the clergyman was binding in his own Church or not? The case of Mr. O'Keeffe, as stated by himself, was that he had not been canonically suspended under the Bulls; and was he to be told that a mixed body like the Board of Commissioners were to constitute themselves judges as to whether the act had been canonically done or not? and that if they were of opinion a priest had not been rightly suspended he ought to be maintained as a patron of a school? Or did hon. Gentlemen opposite maintain that a suspended clergyman, to whatever Church he might belong, was to be held up as an educational authority to the tender youth of his parish? ["Yes."] Then he did not envy them their opinion, and he felt satisfied that if the attempt were made to-morrow to carry out the policy which had been sketched out by the right hon. Gentleman the Member for St. Andrews University (Mr. Lyon Playfair), the co-operation of the Roman Catholic, who had so largely contributed to bring the system of national education to its present position, could not be secured. Every Roman Catholic Bishop, rather than that a suspended priest should be imposed on his flock, would retire from the system. He was glad, therefore, to see that the Chief Secretary for Ireland seemed to appreciate the gravity of the situation, and he would ask hon. Gentlemen opposite whether they thought that the Commissioners, if the Resolution were carried, could retain their seats at the Board? If not, he should like to know whether they were quite prepared for the resignation of a body of men who for a period of 40 years

had administered a system which had been productive of such great results? If the Motion was carried, he ventured to predict that before many months had passed there would be an end of the National Board of Education in Ireland, and that the whole system of which it was a part would crumble to ruin.

Mr. WHITBREAD agreed with the right hon. Member (Mr. Lyon Playfair) in thinking that the debate ought to be confined to what had passed since the compromise of last year. He agreed with him further in regarding the letter of the Bishop of Ossory as the most important—he might say the most ominous—document that had come before them since that time. In that letter the Bishop claimed the right to appoint the local manager of the school; but this could not be made a ground for accepting the present Motion, inasmuch as the new Rule, debated last July, had no reference whatever to the recognition of the local manager in the first instance, but to a withdrawal of recognition on some subsequent occasion. Moreover, one of the first Rules in the Code under which the Commissioners acted was to the effect that the person who brought a school to the Board should have the power to nominate the manager. That was a Rule which certainly called for consideration. It seemed to him that a system by which the patron had the right of appointing the manager, perfectly irrespective of fitness for the post, was a very dangerous one. But that was not a ground on which they could censure the Board of Education. He sincerely hoped they were not going to try this weary case all over again. They had entered into a compromise last year. ["No, no."] He did not remember that any of the hon. Gentlemen who interrupted him had raised their voices against the arrangement to which he referred. Parliament had insisted that the ecclesiastical suspension of a manager was not *ipso facto* sufficient ground for his removal from the school. The question they had now to consider was whether Mr. O'Keeffe had, to a reasonable degree, obtained the benefit of that new Rule. For his part, he would answer that question in the affirmative. He would ask any hon. Member to read the evidence given by Mr. O'Keeffe before the Committee—given often with much *naïveté*—and then to say whether

Mr. Sullivan

he thought him a proper person to be set over the school. Surely the manager existed for the sake of the children, not the children for the sake of the manager; and certainly it seemed to him that it would be totally at variance with the interest of a school to intrust Mr. O'Keeffe with its management.

Mr. CONOLLY maintained that there had been no compromise last year. It was not a subject that would bear a compromise, and Government by now attempting to compromise it would find themselves in a very great difficulty, and would meet with the deserved censure of all right-minded men. Not even the eloquence of the hon. Member for Louth (Mr. Sullivan) would secure Government from the censure of all honest politicians in Ireland. It was impossible to discuss the question on the narrow ground suggested by the hon. Member for Bedford (Mr. Whitbread). The National Board of Education in Ireland appeared before them that night, as certain persons appeared in police courts, with a record of previous convictions against them. They had acted in bad faith, and it was but natural that their first error should be borne in mind. It was not reasonable to call on those who were beaten only by a small majority when led by Mr. Bouverie, now, when they had reasons entirely in their favour, to condone the offence of these men. The system of National Education in Ireland would have been much more efficient but for the mal-administration of the National Board. If the National Board were swept away to-morrow, and five honest men, paid by and responsible to the House, were put in their place, there would then be a system of education on which reliance could be placed. The hon. Member for Louth had no right to beg the whole question by calling Mr. O'Keeffe a suspended priest. He should like to know who made the hon. Member a judge in that matter. As Mr. Fitzgibbon, the barrister, said in the action of Mr. O'Keeffe, this man was a suspended priest; but why was he suspended? What tribunal suspended him? What trial did he undergo?

"Quibus indicia? quo teste? Nil horum—
Verbo et grandis epistola venit."

An order came from Rome to put down this man without trial and without appeal, without a single crime being al-

leged against him—a foul and bitter wrong, in which we found that the Board of Education, the Poor Law Board, and the Government were all accomplices.

THE MARQUESS OF HARTINGTON said, he would detain the House but a very short time, because upon that very limited portion of the question which had been brought before it to-night almost all that he thought it necessary to say had been said by one or more of the preceding speakers. But he had been appealed to upon one or two questions, upon which he thought a brief answer would help some hon. Members to form an opinion on this subject. He had been asked as to a pledge which was given by his right hon. Friend the Member for Greenwich (Mr. Gladstone), when he was at the head of the Government last Session. As to that pledge, he had a distinct recollection that his right hon. Friend (Mr. Bouverie) told him in the House that, so far as he was concerned, he regarded the adoption of the new Rules as perfectly satisfactory. Whether hon. Members liked to call that a compromise or not he did not know; but there was no doubt that the action of the Commissioners up to that time was completely condoned by the acceptance of new Rules, and Mr. Bouverie withdrew his Motion. On withdrawing his Motion, Mr. Bouverie asked his right hon. Friend the Member for Greenwich the questions which had been read to the House as to the view of the Government with reference to the new Rules; but Mr. Bouverie never asked whether Mr. O'Keeffe would be restored as manager of the Callan Schools, and therefore it was impossible that his right hon. Friend should have given a pledge on that subject. Mr. Bouverie asked whether the Government had any reason to believe the National Board would take every means in their power to restore Mr. O'Keeffe to his position as manager, without reference to his being a suspended priest, and the answer was that that would be the case. He (the Marquess of Hartington) maintained that that had been done by the Commissioners, and that pledge had been fulfilled. An inquiry was directed by the new Rule, of which notice was given to Mr. O'Keeffe and to other persons, and when the result of that inquiry was known the Commissioners took into consideration the Report, together with

such facts as had come to their knowledge respecting Mr. O'Keeffe. He agreed with the hon. Member for Bedford (Mr. Whitbread) that possibly there had been some want of tact in the proceedings of the Board; but he defied anyone to show any want of good faith in the whole course of those proceedings. He could not altogether agree with the description which his right hon. Friend the Member for Edinburgh (Mr. Lyon Playfair) had given of the conduct of the Board. His right hon. Friend said that the Board condemned Mr. O'Keeffe unheard, and that they irritated him. The fact was the Board never condemned him at all. They removed him from his office of manager, but in so doing they did not make the slightest imputation upon his personal character. [Mr. CONOLLY: Oh!] In what way did they make any imputation upon his character? [Mr. CONOLLY: Mr. O'Keeffe was a parish priest, and felt it an injustice to be stripped of his canonicals.] It was the first time he had heard it asserted that the National Board stripped Mr. O'Keeffe of his canonicals. What they did had been very much exaggerated. They did not dismiss him from the office of manager of the school. All they did was to cease to recognize him as the manager, and to break off correspondence with him. The Commissioners had not expressed any opinion whatever on Mr. O'Keeffe's personal fitness or unfitness for the position of manager to the Callan Schools. They simply acted in accordance with the precedents that bound them. The statement of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), that the Education Board had condemned Mr. O'Keeffe without any proof whatever, had not the slightest shadow of foundation or substance. The only document which had not been referred to was the most important one—namely, that giving the Commissioners' reasons for not re-instating him. Those reasons were that the Town Commissioners of Callan, presumptively the exponents of local feeling, had unanimously protested against his appointment; that the School Committee of Callan, who had originally appointed him, and who really stood in the position of patron, had unanimously done the same; and that he was personally unfit for reasons which he would not dwell upon, but which were based

on his own confessions before the Select Committee last Session. It had been stated that he was condemned unheard; but what would have been the use of asking him to explain or reply to his own statements, which would lead any Member who read them to the same conclusion as the Commissioners? These reasons were surely sufficient to justify not only a refusal to re-appoint, but a removal; and it would have been a pedantic absurdity for the Commissioners to appoint him temporarily in order to fulfil some fancied pledge never given, for the purpose of afterwards going into these charges and removing him. The Commissioners adopted, on the whole, the most sensible course, while giving him the full benefit of the new Rule, by going into the merits of the case and considering the educational interests of the place. Feeling that if the late Government were not prepared to support the Commissioners' action on this final stage they were entitled to the earliest intimation of the fact, that they might take their measures accordingly, he laid before his Colleagues a full account of the proceedings subsequent to the inquiry of the Select Committee; and without, of course, pledging himself to approval of every step they had taken, he expressed to the Commissioners the opinion of his Colleagues that their action had been, on the whole, substantially right. Had the late Government, therefore, remained in office it would have been his duty, as far as he could, to have defended the conduct of the Board. He had no difficulty in accepting the Amendment of the right hon. Baronet (Sir Michael Hicks-Beach), whose speech had been a very fair one, and he hoped that this troublesome case would now be finally disposed of.

SIR THOMAS CHAMBERS said, he had never seen a more determined attempt to keep out all the prominent points of a subject engaging public attention, nor a more striking failure of such an attempt, the hon. Member for Louth (Mr. Sullivan) having brought forward all the subjects which had been studiously avoided by previous speakers. The facts which the hon. Member for Louth had adverted to were briefly these:—Mr. O'Keeffe was a Roman Catholic priest, the parish priest of Callan, the chaplain of the union workhouse, and the manager of the national schools at

Callan. A Rescript from the Pope, it appeared, was sent to the Cardinal Archbishop of Dublin, who was not Mr. O'Keeffe's Ordinary or Bishop, under which, it was said, he had been suspended from all clerical functions. Upon an intimation to that effect, conveyed by the Bishop of the diocese, two public Boards, who owed their authority to the House of Commons, and whose actions, therefore, they were bound to watch with the utmost vigilance—the Poor Law Commissioners and the National Education Commissioners—gave practical effect to what had been done in the way of suspension; the former turning him out of the office of work-house chaplain, and the latter depriving him of the management of the Callan Schools. The people of England said that this was a matter which required looking into; that they thought the Education Commissioners were wrong; and that Mr. O'Keeffe had been treated indiscreetly and improperly. This opinion was endorsed by nearly every person who took part in the present debate from whichever side of the House he spoke. It was admitted fully and justly by the noble Marquess the late Chief Secretary for Ireland, and the right hon. Gentleman the present Secretary of the Lord Lieutenant, that the conduct of the Commissioners towards Mr. O'Keeffe, in acting on the decree of suspension, could not be defended, and it was admitted by the fact of a new Rule having been framed, and by the terms of it. It had required a new Rule to establish the common-sense principle that for the position of a school manager the right thing to be considered was his fitness, and, judging from the Commissioners' action, the old Rule was that the alleged ecclesiastical suspension of a man justified and required his removal from the school management, though a school manager might be a layman, and, if a priest, need not be the parish priest. The Rescript should never have come from Rome, should never have been admitted into Dublin, and should never have been acted upon. All this was a breach of statute law, and it could not be forgotten that Mr. O'Keeffe had been suspended because he had sued an ecclesiastical superior for libel in the Civil Courts—an alleged breach of some ecclesiastical law which could not be recognized. There was no reason in the

thing. It was not that the process was all wrong and illegal—although that was so—but that there was no law or justice in it at all. No man could contract himself out of his right to appear in a Court of Justice, and to allow him to do so would be contrary to public policy. All that this unhappy priest had done was to appeal for redress to a Court of Law when he had been libelled. That was why the people of this country took so much interest in this question. They did not care so much about the Callan Schools; but they saw that if this system were to prevail, every branch of government in Ireland would have innumerable difficulties to encounter in the future. It was the bounden duty of that House to watch with ever increasing vigilance and jealousy the action of these public Boards in Ireland, and unless the House stood upon constitutional right, as opposed to the claims of the Roman Catholic Hierarchy, we never should be safe. In his opinion, the House would be committing a flagrant breach of its duty if it did not adopt the very mild form of censure upon the proceedings of the Board in this case which was embodied in the Resolution of the hon. Member.

MR. MAC CARTHY observed, that the Board of Education was established for the welfare of the people of Ireland. It had nothing whatever to do with controversial matters, with ecclesiastical disputes, or political questions. In the present case, as the Board had rightly abstained from inquiring into the validity or propriety of Mr. O'Keeffe's appointment as parish priest, so they rightly did not proceed to investigate the legality or propriety of his suspension from that office. He was prepared to oppose the Motion because he believed the Commissioners acted in perfect good faith, and exercised a sound discretion. The present matter was a delicate one, and if it was meddled with unwisely it would damage the best educational interests of Ireland.

MR. HORSMAN said, he had taken no part in this question last year either by voting or by speaking, but he felt bound to recall to the House what had occurred in reference to it on that occasion. When the House met on the 11th of July last year, Mr. Bouverie put a Question on the matter to the then Prime Minister, as to whether the new Rule

was to be retrospective or not. At that time Mr. Bouverie had a Motion on the Notice Paper censuring the Board for their conduct in this matter, and both sides of the House were unanimous on the subject. Under these circumstances, the then Prime Minister got up, and in reply to Mr. Bouverie's Question, said he could give the right hon. Gentleman a clear and explicit answer, founded on information and upon authority which could not deceive him, to the effect that the new Rule was to be retrospective. Mr. Bouverie and the other Members of the House were perfectly satisfied, and went away under the impression that the matter was entirely settled. It was notorious that Mr. O'Keeffe had been deposed from his office without reference to the Education Board; and when he (Mr. Horsman) saw in the newspapers in the following autumn that the Board had refused to restore Mr. O'Keeffe, he could scarcely believe his eyes, and he felt that a great breach of faith had been committed on their part. He had heard the late Prime Minister give the assurance in perfect good faith, and that assurance had been received in perfect good faith by the House, and he could come to no other conclusion than that the Commissioners had not kept good faith on their part. Under all the circumstances, his hon. Friend (Mr. Cartwright) was, he thought, perfectly justified in bringing forward his Motion. He quite felt what had been said in a perfectly fair spirit by the hon. Baronet the Chief Secretary for Ireland; but, at the same time, he could not but think that the line taken by the Government was rather unfortunate; and, therefore, if his hon. Friend pressed his Motion to a division, he would be compelled, with great regret, to go into the Lobby with him.

Mr. LAW accepted the statement of the right hon. Gentleman who had just spoken as to what had passed in the House last year; but it should be remembered that the Question which Mr. Bouverie asked the late Prime Minister, and which was answered, was not whether Mr. O'Keeffe was to be re-instated, but whether the new Rule was to apply to his case. Even Mr. O'Keeffe himself did not ask to be re-instated under the Rule. What he asked for was inquiry. He quite concurred in the view expressed by several hon. Members

as to the inexpediency of the Commissioners acting upon any hard-and-fast Rule, or ceasing to recognize a manager simply upon the statement that he had been suspended by his ecclesiastical superiors. The true test was the manager's educational fitness to promote the interests of education in the particular district, and that test the Commissioners had applied in this case. And as an element of that inquiry, were the opinions and protests of not only the Town Commissioners of Callan, but also of the Committee to whom the Schools belonged, and who had appointed Mr. O'Keeffe, to be ignored? For his part, having simply in view the educational interests of the parish in question, he could not regard either Mr. O'Keeffe or Mr. Martin, his successor, as a fit manager of the Schools. At all events, he hoped the House would not be led to condemn the Commissioners because of an extravagant expression in a letter which they had received from the Bishop of Ossory.

Mr. CARTWRIGHT, in reply, said, the reason he had changed the terms of his Motion was that he might not appear to be in any way the personal advocate of Mr. O'Keeffe. He had argued the question solely on broad and general grounds. He might not even have pressed his Motion to a division; but, after the speech of the right hon. Baronet the Chief Secretary for Ireland, and his statement that he sanctioned the existing arrangements—arrangements which he (Mr. Cartwright) thought unsatisfactory—he felt bound to divide. He did not seek to censure the Commissioners because of the extravagant expression used by Bishop Moran in his letter to them, but because they had not repudiated the pretensions he had put forth.

Mr. DISRAELI said, he did not rise earlier because he thought the Mover of the Resolution was going to make a suggestion which would have facilitated this course. Nor did he want to vindicate the conduct of the Commissioners of National Education in Ireland. On more than one occasion he had regretted the course they had pursued, and he thought in this matter of Mr. O'Keeffe their conduct was much to be deprecated. Nor did he wish to attack Mr. O'Keeffe personally—quite the reverse. His knowledge of Mr. O'Keeffe was mainly derived from discussions in

Mr. Horsman

that House; Mr. O'Keeffe appeared to him to have been a much injured man; and two years ago when this matter was brought before the House he should certainly have supported Mr. Bouverie in the Motion which he brought forward; but before they decided as to what course they should pursue now, he wished, in the first place, to bring the consideration of the House to its exact Parliamentary position in reference to this question. It was not to be found in the ardent rhetoric of the Common Serjeant. The hon. and learned Gentleman adverted to many points with which, no doubt, the people of this country sympathized, and, he (Mr. Disraeli) dared say, also the majority of that House, and with many of which he sympathized himself; but they did not appear to him to be at present under their discussion. Their position with regard to this question in a Parliamentary point of view was this—it appeared to him that when the case was first brought before them more than two years ago, the House of Commons entered into a struggle with the Royal Commissioners of National Education in Ireland on the point whether the patron or manager of a school should be suspended or dismissed without a previous investigation into his conduct. That was the question upon which there had been a struggle between the two bodies, and the House had perfectly and completely succeeded in vindicating the position which it desired to establish. When did it completely succeed in accomplishing that result? It was on that memorable day so often adverted to in the course of that debate, and described so frequently by various witnesses who were present, all of whom had varied in the accounts they had given—which did not elevate one's opinion of contemporary evidence. To that memorable day, he was going to advert, although he should be very careful in the testimony he should offer, and would offer only that which he could prove by record. It was not a mere haphazard conversation that took place in the House of Commons between the Prime Minister and Mr. Bouverie. On the morning of the day on which those remarks were made Papers had been delivered to that House—official, authentic, printed Papers, in which hon. Members would find the new Rule that was intro-

duced into the management of the National Education Board just introduced to the attention of the House of Commons. That printed document was in everybody's hands on the morning of the night when that conversation took place, and therefore it was not to be treated as a mere casual conversation, but was in fact an important Ministerial declaration founded upon and explanatory of the public document and circular in the hands of hon. Members. That was considered a conclusion of the O'Keeffe controversy; he would not call it a compromise, though he did not imagine the word had been used otherwise than as a convenient word which did not too precisely explain the state of affairs. It was offered and publicly accepted as a settlement by the right hon. Member of the House who had the peculiar management of the case of Mr. O'Keeffe. As to the consequence that resulted, he would not weary the House by reading through the authentic records, but he had it there, and one expression alone, he thought, was quite sufficient. Mr. Gladstone said—

"I can rely, without any fear of being deceived, upon the Commissioners giving Mr. O'Keeffe the full benefit of the Rule, if he shall renew his application. Such, I believe, is the view of the Board—such, undoubtedly, is the view of the Government, and upon the Government, as I have stated, the responsibility ultimately rests."—[3 *Hansard*, cxcvii. 213.]

Mr. Bouverie said—

"I am perfectly satisfied myself with the course taken by the right hon. Gentleman, and therefore I shall not think it necessary to bring forward the Motion."—[*Ibid.*]

The Government pledged themselves that Mr. O'Keeffe should have the benefit of that Rule, that no person should be deprived of his position without an investigation of the circumstances alleged as a cause for that deprivation. That was a settlement of the question, and it was not for the House now to enter upon the conduct of the Board of National Education in Ireland during the last 20 or 40 years. It was not necessary to consider whether a Rescript was sent from Rome; but they had to ask whether, since the arrangement or settlement of last year, accepted by Mr. Bouverie as representing the person peculiarly interested, anything had occurred which required them now to give an opinion upon the subject. His right hon. Friend the Secretary to the Lord

Lieutenant had given Notice of an Amendment to the Motion of the hon. Member for Oxfordshire (Mr. Cartwright), and, like all Amendments that were not printed, he (Mr. Disraeli) believed it had been misconceived by many in that House. It really referred to only two points. It declined to approve the conduct of the Commissioners of National Education; it declined to call upon the House to give any opinion as to the course taken by the Board since the adoption of the Rule of July 1873, looking upon that as a general settlement of the O'Keeffe case; it also alleged, as a reason for this course, the existing arrangements for the management of the schools at Callan. These arrangements were important circumstances to be considered now; they had given considerable satisfaction to the greater portion of the people of Ireland, and to the people of England acquainted with the circumstances. The conduct and character of Mr. Brassington were unimpeachable, and the results he had produced there had been highly satisfactory to everybody, he (Mr. Disraeli) was told, except to the Bishop of Ossory. But when they asked the House, to have regard to the course taken by the Board since the adoption of the Rule of July, and to the existing arrangements in the management of the Schools, they meant arrangements that existed, and not arrangements that the Bishop of Ossory might hereafter wish to substitute. The schemes of the Bishop of Ossory were not the existing arrangements, and if the Bishop of Ossory or any other Bishops were ever to take a course in regard to those questions that was opposed to the law, the Government would not be afraid to vindicate the law; and therefore he trusted the House would not be misled or carried away from the subject before it by the views of the Bishop of Ossory. It appeared to him that the Amendment that his right hon. Friend had proposed was an Amendment adapted to the circumstances of the case, one that was temperate in its tone and clear in its object. His right hon. Friend did not wish in any way to revive old controversies that had been, they hoped, happily settled in that House, and at the same time he did not pledge the House to any approbation of the conduct of the Board of Education in originally dismissing Mr. O'Keeffe

Mr. Disraeli

from his post as manager of the Callan Schools. The Amendment did not in any way call upon the House to approve that conduct; but it asked them, having regard to the course taken by the Board since the adoption of the Rule of July 1873, and to the existing arrangements in the management of the Schools, to express their opinion that there did not appear to be any sufficient grounds for the interference of Parliament. All speakers had treated the arrangements of 1873 as very important; some might consider it a compromise, and others a settlement; but all agreed that it gave a new colour, form, and complexion to the whole question, and none were prepared to discard the benefits of that understanding. Complaints of the conduct of the Commissioners might in some degree be just; upon that he would give no opinion; but the arrangement of 1873 placed the House and the Commissioners in a position different from that they occupied two years ago. The other ground on which they were asked to adopt the Amendment was the existing arrangements for the management of the Schools. All would agree that these were matters well worth consideration. On what grounds were they asked to review the settlement of 1873, and to introduce confusion into the present scholastic harmony of Callan? When the Pope's Rescript or other circumstances called for the critical attention of the House, let them be brought forward, and the Government would not shrink from dealing with them. Could it be said that Mr. O'Keeffe had not had the advantage of the re-hearing which the late Prime Minister promised him, and that he had not received justice in that re-hearing. The matter had not been brought before the House in that form, which would have been a fair and intelligible one. Mr. O'Keeffe did not complain that the investigation into his conduct had not been complete or impartial. No one in that House had made any statement on his part that he had had a "sham" investigation. If any hon. Gentleman was in possession of facts leading to that conclusion, he should have distinctly stated them in debate, and asked an expression of opinion from the House upon them. Under the circumstances, it would be most unwise to support the original Motion of the hon. Member for Oxford-

shire, than which he had seldom read a Resolution couched in more vague and hesitating language. It asked them to declare that the action of the Board of Education in Ireland had been "marked by inconsistency." Well, the Board had existed for 40 years. Was it meant that its conduct had been inconsistent during the whole of that time, or only in some particular instance? Why was that not clearly expressed? Then the Resolution said their action had not been in conformity with precedent, but the hon. Mover had not cited a single precedent with which they had not conformed; and as to the Regulation, the spirit of which they were alleged to have violated, the hon. Member did not tell them what he meant by that charge. Instead of a proposition so very vague and yet so dangerous as that, the Government asked the House to adopt a Resolution of a very different character, one perfectly precise, which guarded the House from committing itself to any dangerous admission, and which, at the same time, indicated the reasons which made it wise for the House to sanction it at the present moment. Their Amendment affirmed that there did not now exist any sufficient ground for the interference of Parliament. Let them consider what the interference of Parliament was on that vast question. If the national system of education in Ireland was not adapted to its original purpose, if it was not fulfilling the great duties which the State expected from it, and which from its large endowments the House and the nation had a right to expect, that was indeed a question which deserved the consideration of Senates. Let it be brought before them fairly, and as fairly discussed, but do not let them by a side-wind and in obscure and ambiguous language, because some might be influenced by strong passions which had no strict connection with the subject then really before them, fall into an ambush which they would find, perhaps, full of destructive consequences. The step they were called upon to take concerned one of the most important institutions of the United Kingdom, and it was most expedient that in such a matter they should not act with precipitation. He was bound to say, considering what was the question before them, that it did not appear to him that the House in the course of this almost unexpected debate had completely

realized the importance of the issue before it.

MR. NEWDEGATE said, that perhaps no Member of the House who was present when his right hon. Friend (Mr. Bouverie) received the answer of the late Prime Minister on the 11th of July last was more likely than he to remember the impression and understanding which that answer created. It was clearly understood, that the new Rule of the Commissioners should be applied to the case of Mr. O'Keeffe in the sense of reparation for the injury to which he had been exposed by the decisions of the Commissioners for National Education and the Commissioners of the Poor Law Board in Ireland, which were in their origin and essence illegal. It appeared to him that advantage had been taken of the disturbed state of the parish of Callan, during the last two years, to misrepresent and vilify Mr. O'Keeffe. The right hon. Gentleman the Prime Minister had said that this House had been engaged in a struggle with the Commissioners for Education in Ireland. These Commissioners were the dependents of that House for purposes of their appointment; and he thought that the fact of their having been engaged in a struggle with this House was inconsistent with their position, and afforded ample justification for the very mild terms of censure which the hon. Member for Oxfordshire (Mr. Cartwright) proposed. He should certainly vote for the original Motion, and against the Amendment.

Question put.

The House divided:—Ayes 118; Noes 206: Majority 88.

Words added.

Main Question, as amended, put, and agreed to.

Resolved, That this House, without expressing any approval of the conduct of the Commissioners of National Education in Ireland in originally dismissing Mr. O'Keeffe from the office of Manager of the Callan Schools, is of opinion, having regard to the course taken by the Board since the adoption of the Rule of July 1873, and to the existing arrangements for the management of the Schools, that there does not at present exist any sufficient ground for the interference of Parliament.

BOROUGH (AUDITORS AND ASSESSORS).

Select Committee appointed, "to consider and report on the appointment and duties of Assessors and Auditors in Boroughs."—(Mr. Fell.)

And, on June 12, Committee *nominated* as follows:—Mr. RICHARD BRIGHT, Viscount Folkestone, Mr. ISAAC, Mr. CALLENDER, Mr. HARDCASTLE, Mr. EDWARD STANHOPE, Mr. RATHBONE, Mr. STEVENSON, Mr. MORGAN LLOYD, Mr. COTES, Mr. GOURLEY, Mr. ROWLEY HILL, Mr. DODDS, and Mr. PELL nominated other Members of the Committee:—Power given to the Committee to send for persons, papers, and records; Five to be the quorum.

MILITIA LAW AMENDMENT BILL.

On Motion of Mr. Secretary HARDY, Bill to amend the Law relating to the Militia, *ordered* to be brought in by Mr. Secretary HARDY, The JUDGE ADVOCATE, and Mr. STANLEY.

Bill *presented*, and read the first time. [Bill 130.]

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) PROVISIONAL ORDER BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Sir MICHAEL HICKS-BEACH.

Bill *presented*, and read the first time. [Bill 131.]

VALUATION (IRELAND) [SALARIES, &C.]

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to make provision for the payment, out of moneys to be provided by Parliament, of Salaries and Allowances to the Commissioner of Valuation and all other persons acting in the execution of the Valuation (Ireland) Acts, and for the repayment by the Counties of such portion of such expenditure as may be determined by any Act of the present Session.

Resolution to be reported upon *Thursday*.

House adjourned at a quarter before Two o'clock till *Thursday*.

HOUSE OF LORDS,

Thursday, 4th June, 1874.

MINUTES.]—TOOK THE OATH—Several Lords. PUBLIC BILLS—*First Reading*—Wenlock Elementary Education * (84); Married Women's Property Act (1870) Amendment * (85); Magistrates (Ireland) and Commissioners of Dublin Police Salaries * (86).

Committee—Public Worship Regulation (62).

Committee—*Report*—Customs and Inland Revenue * (76).

PUBLIC WORSHIP REGULATION BILL

(*The Lord Archbishop of Canterbury*.)

(NO. 62.) COMMITTEE.

Order of the Day for the House to be put into Committee (on Re-commitment) read.

Moved, That the House do now resolve itself into a Committee.—(*The Archbishop of Canterbury*.)

THE EARL OF LIMERICK said, that it was with a feeling of great diffidence that he rose to move the Amendment of which he had given Notice. That diffidence was increased by the fact that he felt the importance of the question more than, perhaps, some of their Lordships. The most rev. Primate having given Notice early in April of his intention to bring under their Lordships' notice matters connected with the regulation of public worship, introduced, on the 20th of the same month, a Bill bearing the same title as that now before the House. The Bill was put down for second reading on the 30th of April; but on the 27th an appeal having been made to the most rev. Prelate by the noble Duke (the Duke of Marlborough), which was joined in by the noble and learned Lord on the Woolsack, the second reading was postponed in order to give time for an expression of opinion by the Lower House of the Convocation of Canterbury. On the 11th of May the Bill came on for second reading. The most rev. Primate had relied on certain expressions of opinion by Convocation in 1868; but those had really no bearing on the Bill introduced by the most rev. Primate in the first instance, or on that which was now before the House. In 1868 the Lower House of Convocation expressed an opinion in favour of a revision of the Courts of Law which dealt with ecclesiastical causes, but that opinion had reference to all ecclesiastical causes generally, and not, like this Bill, to only one class of such causes. On the second reading the most rev. Primate stated the Amendments he was willing to introduce respecting the constitution of the Court to which proceedings in the matters to which the Bill related were to be referred, and in reference to some other very important matters. In the meantime, the Lower House of Convocation of Canterbury had expressed itself very strongly against certain clauses of the Bill, and against

legislation in the manner proposed by it. When the Bill came on for second reading, the most scathing objections urged against it in their Lordships' House came from a noble Earl (the Earl of Shaftesbury), who certainly never had been accused of partiality to the High Church party, and there could be no doubt that his opinions were entitled to the most respectful consideration. In answer to the criticisms of the noble Earl the right rev. Prelate (the Bishop of Peterborough) made a speech which, as a specimen of Parliamentary oratory, their Lordships must all have heard with admiration, but which, instead of getting rid of the objections of the noble Earl, contained in itself, perhaps, the strongest condemnation that had as yet been pronounced on the Bill. The right rev. Prelate, having stated that it would be madness to enforce the ecclesiastical law on all points, proceeded to say there were three courses any one of which might be adopted. The first was to enforce the law on all points—which, he had said, would be madness; the next was not to enforce the law—which would lead to uncontrolled licence; and the third was to give to the Bishops power to decide where the law should be enforced and where it should not be enforced. The latter was the course which the right rev. Prelate favoured. Now, while he was opposed to anything like undue licence, he (the Earl of Limerick) ventured to suggest that there was a fourth course which might be adopted, and that course was suggested in the Amendment of which he had given Notice. When the most rev. Primate was introducing his Bill, he alluded to only a certain class of practices against which the right rev. Bench wished to put the law in force; but the fact was those practices were not adopted in half-a-dozen churches in connection with the Established Church. If their Lordships looked to Clause 8 of the Bill now before the House they would see how wide would be the range of the Bishop's discretion if to him were given the function of deciding in what cases the law should, and in what cases it should not, be put in force. In that clause was included all questions relating to the fabric of the Church. The question of the Bishop's power in respect of a reredos—one on which there was at present much litigation—would therefore come within that

clause; and by its provisions every alteration, however small, in a cathedral or a church, would require a faculty, or objection might be taken to it. All matters of ornament, all the details of public worship, came within its scope. These were matters which concerned not only the clergy, but, according to what had hitherto been the invariable practice, the churchwardens also. But the latter were not made parties by this Bill. Again, questions as to copes, stoles, and other vestments, which were at present in doubt, were brought under their jurisdiction. They would have to decide such questions as to whether a black gown might be worn, whether it should be permitted to wear a stole black or coloured, or whether a cope should be worn in a cathedral. If the power of the Bishop were extended over such matters as these, authority would be given to him greater than had hitherto been enjoyed by the Bishops of the Established Church. But if this authority were given, by what considerations were they to be guided in its exercise? No principle was laid down for their guidance—it was not even provided that the question for their consideration should be whether the things complained of was lawful or unlawful. The result would be that in the majority of cases they would be incited to interference or deterred from it by popular clamour. He (the Earl of Limerick) thought nothing could be more dangerous to the Church than that popular clamour should become a motive for the Bishop proceeding or not proceeding; and he believed it would be impossible for a Bishop to divest his mind of the consideration of popular feeling or popular clamour when questions such as that with which this Bill would give him power to deal were brought under his notice. He thought he was right in asserting that their Lordships had given a second reading to this Bill merely on the ground that there should be some simplification of the law in respect of ecclesiastical proceedings, but it could not have given its approval to a Bill on which a large number of Amendments were to be proposed which were not then before the House. But since the Bill had been read a second time a strong popular feeling had been roused against it. The Lower House of Convocation of York had adopted substantially

the same course as that which had been previously taken by the Lower House of Convocation of Canterbury, and when a proposition was submitted that it should express approval of the Bill and thank the most rev. Primate for having introduced it, that proposition was negatived by 22 to 15. At not fewer than 100 meetings, held in various places, Resolutions hostile to the Bill had been adopted, and Petitions against it had been sent up from places in which no formal meetings had been held. The Petitions against the Bill might be numbered by hundreds, and the signatures, which numbered many thousands, included those of many hundreds of beneficed clergy of the Church of England. As a rule, the opinion of the Press was not favourable to the measure. A portion of the Press thought with their Lordships that a simplification of the law was called for, but about the form which a Bill to simplify it should take, there was the widest difference of opinion. But though the opinion was general that something should be done, there was no satisfactory agreement as to what ought to be done. He believed there was a very strong feeling among the Members of the Church that the only right and constitutional course would be to endeavour to get first from the clergy in Convocation an expression of opinion as to the required amendments in the ritual law, and to frame a Bill afterwards to enforce the law so amended. It might be urged against the Resolution which he was about to submit that antique archives had been rummaged for it, and that it was in itself antiquated. But it was no more antiquated than the Book of Common Prayer, and if this was antiquated so were the rubrics which, subject to the licence of the Bishop, would be enforced by law if the Bill before their Lordships should be made an Act of Parliament. He did not wish that Convocation should be converted into a Court of Law, or that it should make laws to over-ride the laws of the Realm. He knew it was said that the clergy against whom the Bill was directed would not obey any decision of Convocation. There was no ground for that assertion. The greater number of them had signed declarations, at various times, offering to be bound by all decisions at which the Church might arrive in Convocation. They simply

The Earl of Limerick

wished to be told by the Church what the law was; for they, in common with the great majority of Churchmen, thought the law was based on the rubrics and on a settlement which was a compromise. *Prima facie*, the law was with them, as the decisions pronounced of late years were not so much declarations of what the law of the Church was as legislation not in the spirit of the law of the Church. Such were the feelings of those clergymen. It was only a sense of the gravity of the question, and of the very terrible results which would follow the passing of a measure not based on the opinion of the clergy in Convocation and to which so large a number of Churchmen were opposed, that emboldened him to come forward on this occasion.

An Amendment *moved* to leave out from the word ("that") to the end of the motion and insert—

("Whereas in the Royal Declaration prefixed to the 'Articles of Religion' it is set forth, 'That if any difference arise about the external policy concerning the injunctions, canons, and other constitutions whatsoever thereto belonging, the clergy, in their convocations, are to order and settle them, having first obtained leave under our Broad Seal so to do, and we approving their said ordinances and constitutions, providing that none be made contrary to the laws and customs of the land :

"That out of our princely care that the churchmen may do the work which is proper unto them, the bishops and clergy from time to time in convocation, upon their humble desire, shall have license under our Broad Seal to deliberate of and to do all such things as being made plain and assented unto by us shall concern the settled continuance of the doctrine and discipline of the Church of England now established, from which we will not endure any varying or departing in the least degree :"

"And whereas such differences have arisen and have not yet been so ordered and settled :

"This House, while admitting the present unsatisfactory state of the laws ecclesiastical, is of opinion that exceptional legislation is not now desirable, but rather calculated to promote vexatious litigation.")—(*The Earl of Limerick*.)

THE DUKE OF MARLBOROUGH said, it was with no little sense of responsibility that he had ventured to put on the Paper an Amendment declaring—

"That this House, while recognizing the importance of a revision of the law for the restraint of ecclesiastical offences, considers it inexpedient to proceed with this Bill at present."

He believed that the House, when it passed the second reading of the Bill, had, in effect, expressed its opinion that

some steps should be taken for the revision of the law.

LORD LYTTTELTON rose to Order. It was not in Order that the noble Duke should move his Amendment when there was another Amendment already before the House.

EARL GREY : The noble Lord is certainly right. The noble Duke cannot move his Amendment before the Amendment moved by the noble Earl (the Earl of Limerick) has been disposed of.

THE MARQUESS OF SALISBURY suggested that the noble Duke had not yet moved his Amendment. Their Lordships might stop him if he did move it ; but all he proposed to do at present was to speak on the second reading of the Bill, and he had as much right to do that as anybody else.

THE DUKE OF MARLBOROUGH said, his great object in rising was to ask their Lordships to take further time before proceeding with a measure of this kind. They had heard that one of the recommendations of the Ritual Commissioners was that proceedings before the Bishops should be *in camera*. The most rev. Primate had given a partial application to that recommendation, for the Bill appeared to have been drawn up *in camera* : he believed that if it had been prepared in a more open manner, it would not have excited so much feeling. From the speech made by the most rev. Primate when introducing the Bill, one would have supposed that the scope of the measure was a humble and limited one. The most rev. Primate said he did not seek to alter the law, but merely to remove certain difficulties in the way of its administration. But when the Bill itself was laid on the Table, it appeared that its scope was much wider and more ambitious, because it proposed that the Bishop and his officers should take proceedings not only in cases where the law was already declared, but also in cases where it was not. It was understood at first that the assessors were to be lay and ecclesiastical, but in the Bill the assessors were constituted in a different manner.

THE ARCHBISHOP OF CANTERBURY explained that he did not state that by the Bill there were to be lay and ecclesiastical assessors. He stated that it had been the original intention of the framers of the Bill that there should be such assessors.

THE DUKE OF MARLBOROUGH said, the most rev. Primate had stated what had been the original intention ; but that intention had not been carried into effect. The Bill, when it first appeared, provided for assessors appointed in accordance with the provisions of the Church Discipline Act ; but it was found that that proposal was very unpopular, and by a further change the Bishop and his Chancellor were substituted. It appeared to him that the most rev. Primate desired to steer a middle course between the recommendations of the Ritual Commission and those of Convocation, without giving full effect to either ; and he thought that course was fatal to his measure. With regard to the feeling which this measure had elicited out-of-doors, he would observe that the Lower Houses of Convocation of Canterbury and the Northern Province had both expressed a very strong opinion against the Bill ; and there was an equally decided objection to it on the part of a large body of the laity. Important alterations had been made in the Bill since its introduction ; but some of those alterations rather increased the objections to it. One of them was at direct variance with a portion of the scheme stated by the most rev. Primate, because it gave each side in a cause the power to appeal to the Archbishop. The Bishop would be required to publish the reasons for his decision, and this, with appeal to either side, would be as fruitful of litigation as any regulation which it would be possible to devise. The Archbishop was to have power to state a case for the Court of Final Appeal. Why should not this power be given to the Bishop in the first instance ? One of the grounds stated by the most rev. Primate for the introduction of the Bill was that it would obviate the great expenses hitherto incurred in these proceedings ; but he (the Duke of Marlborough) could not see how the expense would be diminished—on the contrary, his opinion was that the proceedings prescribed by this Bill would be not less costly than they were now. Another strong objection to the Bill was that the monition would take effect *pendente lite*. The clergy felt that this would be a most oppressive enactment. Again, the Bill only dealt with one class of offence. He did not deny that proceedings antagonistic to the feelings of the great majority of the mem-

bers of the Church—proceedings of the so-called Ritualistic character, and which approached somewhat closely to practices in a sister communion—were carried on by some clergymen. He should be glad to see such proceedings limited, or, where carried too far, put an end to; but there were other practices, such as the proclamation of heretical opinions, which were much more calculated to undermine the Church, and he thought that when they were pursued by clergymen they ought to be among the offences included in any Bill of this kind. He wished to point out to their Lordships that this Bill would create a machinery for dealing with ecclesiastical offences before those offences were accurately defined. For instance, according to the right rev. Prelate (the Bishop of Peterborough), the whole of the law relating to the rubrics was in a state of the utmost uncertainty—so much so that the right rev. Prelate thought that as to enforcing it a great deal must be left to the discretion of the Bishop. Was it practical or in accordance with common sense to provide a restrictive—he might almost say, a penal machinery to enforce a law which was itself in such an unsatisfactory condition? If the right rev. Primate had first of all recognized the fact that the rubrics were in an unsatisfactory condition, that there were in them many things which were doubtful and which it was desirable to have decided, and if he had taken steps to ascertain and define the law before asking the Government and the country to pass a measure to enforce the law, that course would have been eminently satisfactory, not only to those against whom the measure was directed, but to all moderate men who valued the forms of the Church of England. If a representative body of the clergy had had an opportunity of considering the rubrics and canons of the Church and effecting in them such changes as were suited to modern times and requirements, a measure founded on the result of such deliberations might have been carried without dissent. But what would be the effect of passing this Bill? He had presented a Petition from 800 of the clergy, who, rightly or wrongly—and he was far from agreeing with them—protested against the regulations of Divine service being settled by a secular House; and, if the Bill passed, they would look upon them-

selves as martyrs, and they would go through all the stages of inhibition and prohibition and see their wives and families reduced to beggary rather than submit to an enactment passed under such circumstances. On the other hand, if an ecclesiastical body pronounced an opinion upon the rules, rubrics, and canons, he believed a large body of them would be willing to be bound by the results of such deliberation. Though he (the Duke of Marlborough) considered their contention wrong, yet it could not be denied that these views were entertained by a large body of the clergy, and were maintained with great pertinacity. Could anything be more disastrous and fatal than that such a large body of the clergy should be compelled in this way to leave the Church, the boasted merit of which, as an Established Church, according to the noble Duke opposite (the Duke of Argyll), should be its breadth and comprehensiveness? The diversity of feeling with which this measure was regarded was shown by the variety of Amendments which would have to be considered if the House went into Committee. A noble and learned Lord opposite (Lord Selborne) would go further than even the right rev. Prelate, and would authorize a Bishop to lay down rules for a diocese by which each clergyman would be bound if he did not at once take steps to protest against them.

LORD SELBORNE said, he did not know how far it might be permitted by the Rules of their Lordships' House, but he thought it was an inconvenient course to discuss Amendments which were on the Paper before they were reached in due course.

THE DUKE OF MARLBOROUGH said, the Amendments, being on the Paper, were public property, and it was allowable on the Motion to go into Committee, to refer to that which would have to be discussed in Committee.

LORD SELBORNE said, the inconvenience was, that the effect of Amendments was stated very differently from the sense in which they were understood by those who proposed them.

THE DUKE OF MARLBOROUGH said, the noble and learned Lord would be able to set himself right when the Amendments came to be discussed. But their Lordships could not but be struck by the scope of the Amendments of the

noble and learned Lord and of the noble Lord who sat opposite—Amendments which amounted to two separate Bills, which had not received the assent of a second reading, and which themselves might require to be extensively amended. Therefore the House could not give a fair and judicial consideration to these Amendments. Their Lordships would not be indisposed to consider the feelings of the laity as well as of the clergy—and very many Petitions from the former had been presented against the Bill—and the laity had not had any regular opportunity of considering this measure. There had sprung up of late years an annual gathering known as the Church Congress, which was sanctioned by the Bishops and largely supported by members of the Church of England, and it was a pity that a measure of this character should not be submitted to such a gathering as the Church Congress. It was impossible that the measure could give satisfaction to even moderate men among the laity, unless they had further opportunities of considering it; and he therefore appealed to the Bishops to say whether in their hearts and consciences they did not think it would be injudicious to press it now, and whether they would not prefer to postpone legislation for a year. In conclusion, he entreated the most rev. and right rev. Prelates to consider this aspect of the matter, and not to press the Bill at present.

THE LORD CHANCELLOR: My Lords, it is now three weeks since your Lordships were asked to consider the question of the second reading of this Bill. When that question was proposed, a long and unusually interesting discussion followed, and many Members of your Lordships' House expressed their opinion on the subject of the proposed legislation. The difficulties of legislating on this question were fully and broadly explained; the particular provisions of this Bill were largely—and, as I think, strictly—criticized; but, so far as I can recollect, no Member of your Lordships' House expressed the opinion that there ought to be no legislation on the subject, and certainly no Member of your Lordships' House proposed on the second reading the rejection of the Bill. My noble Friend who has just sat down (the Duke of Marlborough) at that time referred to some subjects on which he has spoken to-night, and I think that

the view which he then expressed was—not that there should be no legislation on this question, but that legislation upon it should be introduced, not by the Episcopal Bench, but by Her Majesty's Government. The result of the discussion upon the evening to which I have referred was an understanding that Amendments in the Bill should be proposed by the most rev. Primate who had introduced it, and that other Members of your Lordships' House who take an interest in this question should also express, in the shape of Amendments, the alterations which they wished to submit for the approval of your Lordships. My Lords, I am bound to say that the interval which has elapsed since that time appears to have been diligently used; for, as far as I can recollect, it is a considerable time since, upon the Motion for going into Committee on a Bill in this House, 32 pages of Amendments were to be proposed for your consideration when you reached it. But among those Amendments I find some from my noble Friend the noble Duke who has just sat down—at least, if I understand rightly—

THE DUKE OF MARLBOROUGH: It was a mistake. They were not intended to be proposed in my name.

THE LORD CHANCELLOR: I was going to say that the Paper of Amendments had a heading which, to me, at least, was novel—"Amendments to be moved by the Earl Nelson (formerly the Duke of Marlborough)." And, my Lords, not only is that so, but I also find a considerable number in the name of the noble Earl (the Earl of Limerick) who commenced the discussion to-night; and from these Amendments I gather, not only that he is not averse to legislation on this subject, but that he is so keen for legislation that he wishes to include in the Bill all the members of the Episcopal Bench, against whom he has evidently directed the suggestion that they at this moment are largely violating the ecclesiastical law. Under these circumstances, I cannot but think if your Lordships were, after what has occurred, to proceed now to reject the Bill upon the Motion for going into Committee—if you were to refuse to consider those various Amendments which have been put on the Paper—you would pursue a course which is not only unusual in this House, but

which out-of-doors would be characterized as capricious and unreasonable; it would, I think, be inconsistent with the respect due to any Member of your Lordships' House who should have introduced a measure of this importance; but, above all, it would not be characterized by that respect which we all must feel for the most rev. Primate from whom the measure has emanated. Upon this part of the subject I should not wish to say anything more, except to express my surprise, and to venture to hope that I have been mistaken in something which I thought I heard a short time since. I am under the impression that I heard from my noble Friend who has just sat down (the Duke of Marlborough) that he had presented a Petition, signed by 800 clergymen of the Church of England, stating that they would feel it to be their duty not to obey any law proceeding from a secular source. My Lords, strictness and order in the case of Petitions presented to this House have not been so carefully observed of late years as they formerly were; but I would still venture to express a lingering hope that I misheard what I seemed to hear, and that it is not the case that there are clergymen of the Church of England who entertain such an opinion, or who, if they do, have expressed it upon the face of a Petition to this House; and I own I cannot persuade myself that my noble Friend, who I am sure upon these subjects holds no such views himself, has presented Petitions which contain such statements.

THE DUKE OF MARLBOROUGH said, he had said so in his speech, but he had no reason to believe that such a statement was on the face of the Petition.

THE LORD CHANCELLOR: I very much rejoice to hear that there was no such statement on the face of the Petition. My Lords, I cannot regret that upon the Motion for going into Committee on this Bill your Lordships' attention has been so much directed to the question as a whole. I quite agree with the noble Duke that, as a general rule, on going into Committee on a Bill, nothing can be more inconvenient than referring in detail to Amendments about to be proposed. Undoubtedly, that is the case with regard to Amendments which may be described as merely verbal or Amendments in detail. But I cannot

help thinking that where you have Amendments of a different character—Amendments which represent alternative schemes—it is desirable that your Lordships, before going into Committee, should at once have presented to you a general view of the character of the Amendments, in order that, as far as possible, your attention may be called to the broad issues which, in Committee, you would have to decide. My Lords, with this view, I cannot help asking your Lordships to permit me shortly to indicate what appear to me some of the principal questions which are raised by the Amendments. And, first, I will refer to the alterations proposed to be made in the Bill by the authors of it since the discussion on the second reading. The Amendments to which I refer may, as far as concerns my present purpose, be said to deal principally with these two questions—the question of the tribunal before which cases under this Bill are to be brought, and the question of what has been termed “the discretion” reserved to the Bishop as to the institution of ecclesiastical suits. As I understand it, the proposal of the Bill, in its present form, is that causes are to be tried in the first instance in the Diocesan Courts of the Bishop by the Bishop, with the assistance of his Chancellor, if he be a layman and a lawyer, and, if not, then with the assistance of a Legal Assessor; and, as I understand the provisions of the Bill, the Legal Assessor to be appointed in the place of the Chancellor is to be appointed by the Bishop, and to hold his office during pleasure. Now, in the first place, it is obvious that a provision of this kind gives the Bishop an Assessor for any particular case or for any particular number of cases. When we consider that there are more than 20 dioceses in England and Wales, and that, as may be hoped, the number of cases in each will be extremely small, it is obvious that a Judge appointed for this purpose cannot take rank with what we may term a Judge of the first class. Then the question arises—“How are you to pay the Judge to be thus appointed?” I find no provision on the subject. Then, again, one naturally asks—“What are to be the legal relations between the Bishop and the Judge?” The Bill provides that the Bishop is to consider the case along with the Judge. If they differ, is the Judge to overrule

the Bishop or the Bishop the Judge, or must both agree before any decision can be come to? These appear to me very difficult questions, and the answers to them will involve difficulties in themselves. Again, observe what may arise out of legislation of this description. Twenty-eight Diocesan Courts in the Kingdom, and Judges in them who are not, from the eminence of their position, likely to command great respect for their decisions; Is that likely to promote uniformity in the law? I apprehend not. Is it likely to check litigation—litigation in the nature of appeals? I should think not. These are the difficulties which strike my mind with regard to the tribunal. But now let me turn for a moment to the discretion of the Bishop, whether suits shall be instituted or not. I wish to express my own opinion on that point. I am not against reserving a discretion to the Bishop in these matters. It is true I think the Bishop himself ought to prefer that no such discretion should exist; for I cannot conceive anything which would place a Bishop in a more invidious position than to have to say whether a particular suit shall proceed or not. But, at the same time, I can see many cases in which it may be for the interest of the Church that a discretion should be reposed in the Bishop, and I should not be unwilling to give it. But then the subjects should be limited, as far as it is possible to limit them, on which that discretion should be exercised. I observe, however, it is proposed that an appeal may be made from the Bishop to the Archbishop, in order that the Archbishop may exercise his discretion against the discretion of the Bishop. Now, I understand what appeals upon matters of law mean, but I do not understand appeals upon matters of discretion. If you are willing to repose a discretion in the Bishop, do it fully, fairly, and completely; but do not appeal from one man to another man, as if the discretion of the second must, of necessity, be better than that of the first. I now proceed to another class of Amendments, which appear to me to introduce very broad and grave propositions for your Lordships' consideration. I refer to the Amendments of my noble and learned Friend (Lord Selborne). If I understand those Amendments correctly, my noble and learned Friend proposes that the Bishop should, in the first in-

stance, be at liberty to issue a monition ordering a particular thing not to be done in any church in the diocese. And, as I understand it, the Bishop may do that of his own accord, without any representation made to him—without hearing any evidence or calling on the incumbent for any explanation—but simply of his own free will and, if such a thing could be proposed, of his own imagination. The incumbent against whom the monition is directed is not to be allowed to dispute in any way the fact as to what has been done, or supposed to have been done, in his church; but he is to be at liberty to appeal only upon the law, and to argue before the Court of Appeal whether the proposition of law involved in the monition is a correct proposition or not. I own that although I am sure these proposals of my noble and learned Friend have been drawn up with the greatest care, and with the object of promoting peace and harmony and of avoiding unnecessary litigation, yet I cannot but feel apprehensive of the consequences of legislation of that kind. An incumbent against whom such a monition is issued may know that the act upon which the monition is founded never took place at all, and I cannot think he would sit down patiently without the right of disputing the allegation that he committed the act, and would rest content with arguing whether the monition of the Bishop is right in point of law or not. I cannot believe that such a provision would work satisfactorily. But even supposing that the incumbent was content to proceed to dispute the monition in point of law in the Appellate Court of the Archbishop, see what would be the consequences. You will have the Appellate Court of the Archbishop declaring whether the monition of the Bishop is right or wrong, although before the Bishop himself there has been no argument whatever as to the legality of the monition. For my own part, I cannot understand anything in the nature of an appeal, except an appeal from some primary judgment after both sides had been heard. Now, observe a further consequence. Suppose an incumbent appeals against the law of the monition to the Archbishop—who is to appear on the other side? The parishioners, it seems, may do so if they please; but is the Bishop himself to appear as a litigant

large number of clergymen, who have no sympathy whatever with Ritualists—I use a familiar expression—or Ritualism, who have no sympathy with those extravagances and those departures from the law that have been referred to in this House, and who yet feel themselves much distressed and disquieted by the present law on the subject of the position of the minister during the time of consecration. Upon that subject there have been two decisions more or less final by the Judicial Committee of the Privy Council. I do not desire to say one word as to the law on the question, but every one knows how extremely difficult it is for any person—for any layman, perhaps for any lawyer—to be satisfied that those two decisions are reconcilable with each other. In one of those cases no defence was made, and only one side was heard. Those decisions, I think, cannot be regarded as final. If we look at the past history of the Judicial Committee of the Privy Council we shall be able to find that certainly there is, at least, one case of great importance in which a decision arrived at by the Judicial Committee was afterwards altered by the same tribunal. Suppose it should hereafter be decided by the final tribunal of the country that the proper position of the minister at the time of consecration is to stand in front of the people looking towards the East—remember that if it should be so decided that decision will be compulsory upon every clergyman of the Church of England. Now, if that should turn out to be the law of the Church, it is a law which would press heavily upon the consciences of a great many clergymen of the Church of England. But suppose the tribunal should decide that the proper position for the clergyman is to stand looking towards the South. There are said to be hundreds of clergymen whose habit it has been all their lives—before Ritualism was thought of, certainly before it was developed—to stand in the other position. I ask your Lordships to consider how a final declaration of the law to the effect that I have mentioned would bear upon the consciences of those clergymen. But suppose the Court of Ultimate Appeal should say the rubrics are not sufficiently clear to enable them to define the position—that they do not find materials in the rubric to make the obligation certain

—and they therefore leave the question of the position of the minister during the time of consecration *in dubio*; then, after a long, difficult, and acrimonious litigation you will have come to the very conclusion at which the proposal of the right rev. Prelate asks your Lordships to arrive. But, my Lords, I think it very probable that your Lordships will be of opinion that if the proposal of the right rev. Prelate should be adopted, it should go somewhat further, and determine that no litigation, under this Bill or under any existing law, should be commenced to enforce any penalties in these matters. I am not sure that I might not add to the subjects, with which your Lordships would desire to deal, the penalties for not using the Athanasian Creed. My Lords, I yield to no one in the desire to maintain this Creed as a formulary of our Church; but I can conceive that many of your Lordships, even though you should desire to maintain the Creed as a formulary, might yet consider that, looking to the way in which the consciences of men are affected by it, it would be wise to enact that no civil penalties should be enforced for the conscientious non-user of that Creed. I apologize for having taken up so much of your Lordships' time. We are now dealing with an extremely difficult subject, and I have made these observations frankly and honestly, in the hope that I might be of some assistance in enabling your Lordships to overcome the difficulties. Even a bold man might shrink from the kind of legislation which is now contemplated; yet I cannot but think that introduced as the measure has been with the support of the right rev. Bench, it is incumbent upon us to give it full consideration, and to endeavour, as far as we can, to frame a legislative enactment which will have—not, as has been suggested, a disquieting and disturbing, but rather a healing and quieting effect throughout the Church. My Lords, I am not without hope that by a combination of the proposals of the most rev. Primate with some others that have been proposed or suggested, this end will be attained; and sure I am that if it be attained your Lordships will have no cause afterwards to regret any amount of trouble and attention which you may have bestowed upon its fulfilment.

THE BISHOP OF LINCOLN*: My Lords, I ought to apologize for ventur-

ing to trespass now on your indulgence, even for a few minutes; but having been nearly 30 years a member of Convocation—a longer time, I believe, than any one now on this Episcopal bench, perhaps, with a single exception—I may be permitted to say something with regard to that body which has been referred to in the Amendment now before your Lordships, and also in the remarks which have just been made by the noble and learned Lord on the Woolsack. And in order that I may not be charged with undue presumption, I beg to add that I rise after previous communication with the most rev. Prelate who has laid this Bill on the Table of your Lordships' House, and with his encouragement; and I feel bound to acknowledge the generous toleration and courtesy invariably manifested by that most rev. Prelate to his Episcopal Brethren, and particularly to those who have the misfortune sometimes to differ from him. My Lords, I do not rise for the purpose of saying that legislation is not necessary; on the contrary, I believe it to be urgently and imperatively required for two distinct purposes—first, for the amendment of the constitution and procedure of our Ecclesiastical Courts; and secondly, for the correction of lawless excesses and extravagances on the one side, and of the no less lawless negligence and slovenliness on the other side prevailing in the ritual of some of our churches. But in order that legislation in so sacred a thing as public worship may be effective, and in order that it may produce harmony and peace, and not lead to discord, disunion, and disruption, it must carry with it the hearts of the clergy. The clergy of the Church of England are about 20,000 in number, planted in every parish of the country, and they exercise a powerful influence, not only spiritual and religious, but also moral, political, and social. My Lords, it would be an evil day for the Legislature if it were to alienate the affections of the clergy; it would be disastrous for any Administration to forfeit their confidence; above all, it would be calamitous for the Episcopate of England to be estranged from the clergy. My Lords, England, in former days, had bitter experience of the evil effects of such a separation, especially in the period dating from the Revolution of 1688 for about a century, beginning with the secession

of some of the most learned and pious of the clergy, the non-jurors, and continued through the dreary and dismal period of the Hoadleyan and other controversies, and terminating in another secession—that of the Wesleyans—from which we have not yet recovered; there were some of the unhappy results produced by a want of confidence between the Bishops and clergy of the Church. The 20,000 clergy of the Church of England are not represented in this House, and none of them have seats in the other. It is, therefore, more incumbent on the Bishops to communicate their sentiments to your Lordships, on matters which vitally concern their temporal and spiritual interests, such as the Bill now before you. Let me, therefore, be permitted to report their feelings upon it. They describe this measure as a Bill for the coercion of the clergy under severe pains and penalties in matters uncertain and ambiguous. Their complaint is that Bishops are resorting to Parliament to compel the clergy to obey rubrics which are doubtful, while some of the Bishops themselves violate rubrics which are clear; as, for instance, by ministering confirmation to whole rail-fuls of candidates at once. They complain that Bishops desire by means of this Bill to enforce upon the clergy what is called the Purchas judgment, which prohibits them to use an Eucharistic vestment, while some Bishops disobey that judgment which commands them to wear an Eucharistic vestment while celebrating the Holy Communion on certain festivals in their own cathedrals. Ritualistic excesses are great evils, but Episcopal inconsistency and despotism are not more venial. My Lords, I report simply what I hear, and hear with sorrow and alarm. We seem to be on the eve of a great crisis; it may be an ecclesiastical and civil disruption; and who can foresee the consequences, both to the Church and Realm? Where, therefore, is the remedy? It consists, I would humbly submit, in treating the Church as a Church, and not merely as a department of the State. You desire, my Lords, to check Romanism by this Bill; but you will give the greatest triumph to Romanism that it can possibly wish for if you treat the Church of England as an Act of Parliament Church. This is what the Church of Rome desires her to be, and if you treat

the Athanasian Creed—which is one that touches the essence of all religious doctrine, would itself involve a reference to Convocation for the alteration of a rubric, because that creed is to be recited by the people, not alternately with the minister, as is too often the case, but in its totality; and whatever the minister may do or not do, the people have a right to the creed, the faithful laity of every parish have a claim to it, and they cannot be deprived of that right by any exemption of the minister. My Lords, on Tuesday last the noble Duke who moved the second reading of the Bill for the abolition of patronage in the Church of Scotland, referred with just pride and honourable satisfaction to the assistance he had received from the deliberations and decisions of the General Assembly of the Presbyterian Church, as exercising great influence, and tending much to promote the success of that ministerial measure. May I not venture to appeal very respectfully to the noble Duke, and inquire whether the Bill now before Parliament for regulating the worship of the Church of England would not have a far better chance of becoming law, and of affording general satisfaction to the clergy and laity of the Church, if similar regard were paid to the deliberations of the Convocations of England as are now being manifested by Her Majesty's Government to those of the General Assembly of the Kirk of Scotland? Let me remind your Lordships of the words of one of the most distinguished laymen of England—Dr. Samuel Johnson—who, when in a time of religious lukewarmness, he was rallied by his Scotch biographer, Boswell, on having said that he would stand before a battery of cannon to restore the Convocation of England to its full powers, replied with a determined look and earnest voice, and said—“And would I not, Sir? Shall the Presbyterian Kirk have its General Assembly, and shall the Church of England be denied its Convocation.” I know not, my Lords, whether the noble Earl who has proposed the present Amendment means to press it to a division; for my own part, I would rather be content to leave the matter to the wisdom of Her Majesty's Government, and to the most rev. Prelates who preside over the Convocations of the two provinces, in full confidence that the licence to treat concerning ritual matters, which was freely and graciously conceded by the Crown

to Convocation, under the recent administration of Mr. Gladstone, may not be denied to Convocation by his successors in office, and that under the paternal authority of the Archbishops of the two provinces, and under the Divine blessing, the deliberations of Convocation may be so guided as to avert the dangers, both civil and religious, which now threaten us, and to conduce in the most effectual manner to the prevention of strife, and to the preservation of peace.

THE ARCHBISHOP OF CANTERBURY said, that in reply to the concluding observations of his right rev. Brother, he had no hesitation in declaring it would give him great pleasure if Her Majesty's Government would issue Letters Patent under the Broad Seal to Convocation, inviting them to take into consideration a general revision of the rubrics, and he for one should be most ready to lend his assistance in every way, with the view to enable that body to bring its deliberations on the subject to a satisfactory conclusion. It seemed, however, to have escaped many of those who had addressed the House that evening, that the late Government had issued Letters Patent under the Broad Seal, authorizing Convocation to revise the rubrics of the Church, and that the decision of Convocation on the subject was in print and accessible to every one. He felt bound at the same time to add that, after having given the matter their most serious consideration, they—no doubt, for reasons which were very weighty—determined to make very few changes in the rubrics indeed. Among the changes which they declined to make was that relating to the position of the celebrant. Seeing, then, that Convocation had already gone through the subject with great care, he did not himself believe that they would very much vary from the decision at which they had arrived under former circumstances. Perhaps, however, Convocation had refrained from much change in the rubrics, under the impression that there was no power to enforce the law. He thought, therefore, that nothing was more likely to enable Convocation to effect a more complete revision, than that a Bill, such as that under discussion, by means of which the law would be enforced, should receive the sanction of Parliament. If, therefore, Her Majesty's Government should deem it right to issue Letters Patent to

Convocation to revise the rubrics, he should be happy to use his best endeavours to bring their deliberations to a happy conclusion. He thought it, at the same time, a mistake for some of those who had spoken in the course of the discussion to suppose that the decisions of Convocation would be all in their own favour. The noble and learned Lord on the Woolsack—for whose lucid statement on a very tangled subject he felt greatly indebted—speaking with all the authority of his high office, had recommended that the House should take the larger portion of the Bill as it stood, and incorporate with it the Amendments of the noble Earl opposite (the Earl of Shaftesbury). For his own part, he did not see that that advice was likely to present any insuperable difficulties in the way of legislation; and as to maintaining the discretion of the Bishops, with the object of preventing frivolous causes, he was sure that if the clergy were polled in reference to the matter, they would all desire that such a discretion should exist. Taking, then, the discretion of the Bishop as provided for in the Bill, and the restriction which the noble Earl opposite proposed to lay on the Bishop's jurisdiction by calling on a person appearing before him to state at the beginning of a suit whether he meant to appeal or not, he saw no good reason why the two propositions might not be combined. As to the question of the Judge, he was convinced that it was desirable to have one Judge who would decide the causes in question; but then the point was one which was beset with difficulty. The noble Earl proposed that the Judge should have a salary of £4,000 a year; but when the question was asked, where was the money to come from? the answer was "Out of the pockets of the parochial clergy, in the shape of payments out of the funds in the hands of the Ecclesiastical Commissioners"—thus absorbing as large an amount as they could pay in one year towards poor livings. Now, that was a point which in his opinion required consideration; but he saw no reason why the difficulties connected with it should not be surmounted. If the noble Duke who had spoken that evening (the Duke of Marlborough) was, he might add, aware of the obstacles with which he and those who had acted with him had had to contend in drawing the present Bill, he would hardly have complained as he had

done of the conduct of the right rev. Bench. The noble Duke seemed to be of opinion that it ought not to have been drawn up *in camera*, but *in curia*. He would, however, assure him that the difficulties of drawing it up *in camera* were quite enough. There were now five schemes on the subject before the country, including the schemes pure and simple of the noble Earl and the noble and learned Lord opposite; and if the views of the clergy could be ascertained, he felt satisfied they would be found to prefer the scheme embodied in the Bill now under consideration. The noble Duke surprised him by suggesting that they should not only wait for Convocation, but for the Church Congress, which was to assemble at Brighton in August. He had the greatest respect for the Church Congress, but he did not think the Imperial Parliament could be asked to wait for its decision. With regard to the views of the laity, their Lordships and the other House of Parliament surely might be expected to represent them, and therefore, if the noble Duke wished to ascertain the opinion of the laity, he had only to look to the votes of Parliament. If they were to consider the opinion of ecclesiastical assemblies, their Lordships might have seen some notice in *The Times* of the proceedings of the body which met at Peterborough last week, where the laity were unanimous in their approval of that measure. He trusted the Bill would be disposed of now. To put it off for another year would be a grave calamity. If there had been excitement, he would ask whether it was desirable that that excitement should continue for another year? The question was ripe for legislation. He had laid before their Lordships the reasons which had made the united Bishops bring that measure forward, and if they failed in receiving their Lordship's approval for taking some steps that night, they would fail altogether. He felt almost convinced that this was the turning point at which their Lordships were to declare whether they were anxious to maintain the principles of the Reformation, or whether they would allow the ancient Church of England to drift away from those moorings which had kept her safe through many a storm.

THE BISHOP OF PETERBOROUGH, referring to what had just fallen from the most rev. Prelate in reference to the Con-

ference lately held in his diocese, wished to explain that the laity present, by an unanimous vote, approved the main principles of this Bill; that they also suggested certain Amendments in it, and, on the understanding that those Amendments were adopted, they were unanimously in favour of immediate legislation.

THE DUKE OF RUTLAND, in answer to the Lord Chancellor, wished to say that in his belief, the only reason why their Lordships passed the second reading of the Bill without a division, was that they did so solely out of respect and deference to the Episcopal Bench, and he would therefore appeal to the most rev. Primate and the Episcopal Bench generally, whether in return for their Lordships having agreed to the second reading without a division, and having thus accepted the principles of the Bill, it would not be a graceful and conciliatory act on their part to defer the measure for another year. They had it from the most rev. Primate that if formally authorized to do so, Convocation would proceed to the revision of the rubrics. If that were done, then in another Session two separate measures might be introduced simultaneously, one declaring what the rubrics were, and the other providing the means of enforcing the observance of them. Such a course, he believed, would carry with it the support not only of the clergy and laity, but of all right-thinking men.

EARL NELSON said, that although he had given Notice of Amendments to be proposed in Committee, he did not in any way feel himself precluded from voting against the Bill going into Committee at all. He was determinedly opposed to this measure, and also to any legislation of this kind at the present time; but, in the event of that opposition failing, he should then try to make the Bill do less evil than it otherwise would do. In deference to the united wish of the Bishops, and also on account of the many Amendments that were to be made in the Bill, they did not divide on the second reading; but it was rather hard to ask them not to divide now because there were so many Amendments on the Paper. If the most rev. Primate had gone a step further than he did, and had said that he had obtained or would seek a licence from the Crown for Convocation to consider the measure con-

currently with Parliament, he would have advised the withdrawal of opposition; but they had heard from the Lord Chancellor that it would not be wise to consult Convocation in this way. At first the clergy feared they would be oppressed by certain portions of the Bill, and now that they had seen the way in which Convocation had been treated they were determined to fight for the constitutional rights of Convocation. It might be, as the most rev. Primate said, that the clergy would prefer his Bill before others if they were properly consulted. He was surprised to hear it said that the clergy who had petitioned the House were determined not to obey the law:—on the contrary, he would refer their Lordships to the terms of their declaration to show that they were prepared to stand by the Prayer Book if it were explained by the synods of the Church, and that they recognized the function of Parliament to legislate and of the Courts to interpret the law. If Convocation were consulted as to the rubrics a matter which seemed to be surrounded with difficulty would be simplified, and there would be peace instead of division. In respect of almost every analogous ecclesiastical measure of any magnitude which had been passed by Parliament, the antecedent decision of Convocation on the matter had been distinctly stated. And it was right that it should be so, because the clergy were not represented in the House of Commons, nor were they represented by the Bishops, whom they did not elect, and who sat in the House as temporal Peers. It would involve the risk of estrangement between the Bishops and the clergy to press this Bill without the decision of Convocation, which the clergy were prepared to accept. Why should their Lordships force on legislation and prevent the possibility of the canons being altered by the body which alone in the eye of the law had a right to alter them?

THE MARQUESS OF SALISBURY said, he was extremely desirous that the functions of Convocation should be rightly established, and that all its just rights should be respected; but for this very reason he regretted to see exaggerated claims put forward on its behalf, because they might make its true claims ridiculous. It appeared to him that the present Bill was, in fact, a Bill to amend the Church Discipline Act, and the Church Discipline Act was never referred to Convocation.

But he need not even go back so far as that, for the very provisions which had been discussed that evening were introduced by the noble Earl opposite (the Earl of Shaftesbury) some years ago, when nothing was heard about the necessity of the approval of Convocation. The claim now made on its behalf was entirely new, and it was not consistent with the fact to say that Parliament was advancing a new claim or encroaching upon an old and established jurisdiction in proceeding to deal with this Bill. He protested against the competency of Parliament to deal with it being denied, and against its being supposed that any encroachment was thereby made.

LORD SELBORNE said, that there were fifteen Acts relating to Church discipline, from the reign of Henry VIII. down to the Act of Uniformity of Charles II., still on the Statute Book, besides others of later date. These were Acts for the purpose of enforcing the law of the Church, and in no one of them was there the slightest trace of Convocation having been consulted as to the proper mode of accomplishing that object. All that Convocation had ever been asked to settle were questions of doctrine and worship, constitutions and canons; but the law of the land, for the purpose of giving effect to the law of the Church, had, ever since the Reformation, been regarded as matter for the consideration and determination of Parliament alone. It was time to look this matter broadly in the face when some of the clergy said that they would not obey any law which was not made by, or with the consent of Convocation. The clergymen who said that, claimed all the privileges of Establishment, while at the same time they repudiated all its conditions.

EARL BEAUCHAMP said, he believed that if Convocation had been consulted on the Church Discipline Act, the inconveniences now complained of would probably not have arisen. The Amendments of which Notice had been given were so extensive as to make the Bill altogether a new one, and, as the clergy were not represented in that House, it was difficult to ascertain their opinion within a short period unless Convocation happened to be sitting. The clergy were embarrassed as to what were the true motives of the alterations proposed—they did not ask to be re-

lieved from civil penalties, but they wanted to know what really was the law, which as faithful clergy they were quite ready to obey. He contended that the laity were opposed to the measure. The right rev. Prelate who presided over the diocese of Peterborough, in arguing to the contrary, cited the resolutions passed by a diocesan Conference of Peterborough as entirely in favour of this measure. The fact, however, was that the Conference approved the Bill on condition that it was altered in the way they suggested.

THE BISHOP OF PETERBOROUGH, interposing, said, the Amendments discussed by the diocesan Conference were at the time on the Notice Paper of their Lordships' House, and not Amendments suggested by themselves. The Conference approved, firstly, the main principles of the Bill; and, secondly, asserted the advantage of immediate legislation.

EARL BEAUCHAMP said, that did not materially alter what he had stated. At all events, this was the only definite expression of lay opinion which could be cited in support of the Bill; but many meetings both of clergy and laity had pronounced opinions against it. He did not think the laity of the Church of England were anxious that the Bill should pass, and when it went to "another place," if it should go there, the opinion of the laity would make itself heard. He should vote against going into Committee.

THE MARQUESS OF BATH said, the most rev. Primate had made a most important communication to the House, to the effect that if Convocation should obtain permission from the Crown, he, on his part, would do his best to promote a revision of the rubrics. He would, therefore, ask whether Her Majesty's Government were prepared to advise the Crown to issue Letters of Business to Convocation? There were questions of still greater importance than were contained in the Bill which would have to be considered if the House went into Committee. The noble and learned Lord (Lord Selborne) had alluded to the position of the clergyman before the altar as one of the matters which the most rev. Primate would bring before the Committee, and had also referred to another subject which it would be only fair to include among these ques-

tions—namely, the use of the Athanasian Creed where there was a conscientious objection to its use. This was neither the time nor the place to enter into a theological argument about maintaining the Athanasian Creed in the Liturgy; but this he would say—there were many persons, whose opinions were not to be slighted, who held that the whole of the principles of Christianity were contained within the four corners of the Athanasian Creed. Well, were their Lordships to consider in Committee a Bill which was to render neutral or indifferent a form of faith which the Church had adhered to ever since it had been promulgated? Were their Lordships going to place that on neutral ground, and at the same time were they going to declare that they would punish an unfortunate clergyman who might have a conscientious belief in the importance or expediency of using a dress of one kind or another? These were questions which the House ought to consider to-night, when perhaps they might do more than they desired, and more than any of their Lordships might intend.

LORD ORANMORE AND' BROWNE said, he had come to the House without any doubt about the vote he should give; but he confessed the course which had been pursued, and the speech of the noble and learned Lord on the Woolsack, had left his mind in a state of confusion, and he did not know what he was going to vote for. The question with respect to the position of the clergyman at the table involved one of the main points at issue; it involved this—whether they were prepared to accept a great extension of the sacerdotal system or not. The view that the celebrant was making an offering for the congregation prevailed largely among the High Church party, and hence it was that the clergy took the Communion without the laity participating in it—which was a practice of the Roman Catholic Church, and entirely antagonistic to the spirit of the Church of England. His principal inducement to vote against the Amendment was the universal exclamation against the Bill by the High Church party.

THE EARL OF LIMERICK said, that, with the permission of the House, he would withdraw his Amendment, in order that a division might be taken on the Amendment of the noble Duke.

Motion (by leave of the House) withdrawn.

Then another Amendment was moved to leave out from the word ("that") to the end of the motion and insert—

("This House while recognising the importance of a revision of the law for the restraint of ecclesiastical offences considers it inexpedient to proceed with the said Bill at present")—(The Duke of Marlborough.)

On Question, That ("now") stand part of the Motion? Their Lordships divided—Contents 137: Not-Contents 29; Majority 108.

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ter, E. (D. Buc- s and Queens- .)	Eliot, L.
	Forbes, L.
am, E.	Foxford, L. (E. Lime- rick.) [Teller.]
, E.	Mont Eagle, L. (M. Sligo.)
E.	Ross, L. (E. Glasgow.)
ore and King- E.	Silchester, L. (E. Long- ford.)
	Teynham, L.
ci, V.	Wigan, L. (E. Crawford and Balcarres.)
V.	

use in Committee accordingly.

uses 1 to 6 agreed to, with Amend-

use 7 (Interpretation of Terms)
red.

EARL OF SHAFTESBURY then
propose a series of Amendments,
which he had given Notice, the most
important of which were taken from his
Bill of 1872, which had been passed by
the House of Lords, and read a
second time, in the House of Commons.
The principle of his proposition was the
appointment of a single Judge for the
Provinces of Canterbury and York,

to whom ecclesiastical questions, arising
under the Bill, should be referred. If
that proposal were agreed to, the rest of
the Bill would, no doubt, have to be
essentially altered; and, unless it were
adopted, all the other Amendments which
stood on the Paper in his name would
fall to the ground. One great object
in appointing a Judge, as he proposed,
would be the improvement of the pro-
cedure in the Provincial Courts, while,
what was most desirable, a feeling of
confidence in the impartiality of the tri-
bunal would be secured if a man of
experience and standing in the law were
placed at its head. Time also would be
saved by the adoption of the course
which he suggested, for under the pre-
sent system there might be no less than
four hearings. The Judge, if it were
desired, would be sent down to try
the case on the spot where the offence
was alleged to have occurred, thereby
saving a great deal of time and expense
to the litigants, especially if there were
many witnesses. Under the present
system the Mackonochie Case lasted
nearly three years, and the expenses
amounted to several thousand pounds—
he was afraid to say how many, but
it was nearly eleven. That was a sys-
tem which they wanted entirely to
alter. By his proposal he was in-
formed that with the appointment of a
Judge going down to the spot, like an
Election Judge, with all the powers of a
Judge of one of the Superior Courts, no
suit from the time of its being instituted
till the time it reached the Privy Council
ought to occupy more than three months;
while its expense would not be greater
than that of an ordinary case at *Nisi Prius*.
In the matter of the institution of a suit,
he did not see why they should give a
Bishop a larger power than they gave
to a Lord Chief Justice. If they went
with a case to a Lord Chief Justice, he
would say whether it came within his
jurisdiction, and if it did so come within
his jurisdiction, he could not refuse to
entertain the suit. No greater power
should be vested in a Bishop's Court
than in the Court of Queen's Bench.
He had formerly pointed out the improp-
riety of placing the office of accuser and
Judge in the same person, as was now
the case with the Bishops. His Amend-
ment would remove that anomaly. His
proposal would relieve the Bishops of
great anxiety, and also from any charge

of partiality. It ought to be a recognized principle that the laity had a right to promote the office of the Judge in those matters, and here by his Amendments they would secure an experienced Judge, whose decisions would extend over the whole range of ecclesiastical law, and might be expected to satisfy both the clergy and the laity. With a view to discourage frivolous and vexatious suits, he proposed to require the parties commencing the litigation to give security, and he would also empower the Judge to fine the applicant who was cast in heavy costs. The noble Earl then moved, after Clause 7, to insert the following new clauses—

“(a.) The Archbishop of Canterbury and the Archbishop of York may, but subject to the approval of Her Majesty to be signified under Her Sign Manual, appoint from time to time a barrister-at-law who has been in actual practice for ten years, or a person who is or has been a judge of one of the Superior Courts of Law or Equity, or of the Supreme Court of Justice, to be, during good behaviour, a judge of the Provincial Courts of Canterbury and York.

“(b.) If the said archbishops shall not, within six months after the passing of this Act, or within six months after the occurrence of any vacancy in the office, appoint the said judge, Her Majesty may by Letters Patent appoint some person having the qualifications aforesaid to be such judge.

“(c.) Such judge shall be ex officio an Ecclesiastical Commissioner for England.

“(d.) (*Sub-section as to other offices held by judge, to be proposed hereafter.*)

“(e.) Every person appointed to be a judge under this Act shall be a member of the Church of England, and shall, before entering on his office, sign the declaration in Schedule (A.) to this Act; and if at any time any such judge shall cease to be a member of the Church, his office shall thereupon be vacant.

“(f.) Any salary or emoluments which such judge shall be entitled to receive from the said offices shall be paid over by him to the Ecclesiastical Commissioners for England, and all fees payable in respect of proceedings before the said judge under this Act shall also be paid over to the Ecclesiastical Commissioners. The Ecclesiastical Commissioners shall pay to the said judge by equal quarterly payments such salary as shall be assigned by the Queen, by Order in Council, not exceeding the sum of four thousand pounds per annum.

“(g.) This section shall come into operation immediately after the passing of this Act.”

THE MARQUESS OF SALISBURY wished to ask the noble Earl whether he attached any importance to the appointment of the Judge by the Archbishops, who might have strong opinions, and who might be liable to a certain amount of suspicion? He did not see

any reason for departing from the ordinary practice with respect to the appointment by the Crown of Judges of the Courts of Law.

THE ARCHBISHOP OF YORK said, that in undertaking the Bill the Bishops did not contemplate litigation—in fact, they believed that if the law was made clear litigation would be unnecessary, and their noble and learned Friend (Lord Selborne) had caught their meaning in his Amendment, and proposed to give them more power than they asked for or were willing to wield; but the noble Earl would give the Bishops no discretion at all, and he therefore obliged the Bishops to vote against a proposition which could not promote peace. It was suggested that the Judge, who was gradually to assume all the offices of the Archbishops, should be appointed by the Crown—which he supposed meant the Prime Minister or the Lord Chancellor; but when it was said that Bishops would be partial, he must ask whether Bishops were the only persons who showed great animus on theological subjects? He had had reason to admire the knowledge and zeal of laymen, but he did not find them devoid of the passions of men when they were warmly interested. The Bishops would have their Chancellors; but the Archbishops would be quite in the hands of this great gentleman. But what would those 800 reverend gentlemen do who had said they would resist a purely secular Court? The High Church party would attach weight to a Court of Church origin; but they would not attach weight to a Court of lay origin; and was this a prejudice which could be entirely disregarded? The Judge was to travel like an Election Judge; but the cases were not analogous, for the Election Judge must hear the evidence of many witnesses who were on the spot, while two witnesses might prove the facts in a case under this Bill; and it would be cheaper to take them to the Court than to take the Court to them. He objected also to the arrangements for the payment of the salary of this new Judge. Formerly the salary of the Ecclesiastical Judge was £3,000 a-year, but in 1872 it was raised to £4,000. He supposed that as the price of everything else had risen the price of Judges must rise in like manner. This, therefore, would not be a reason for rejecting the proposition

for appointing a Provincial Judge. But if the payment was to be saddled on the funds of the Ecclesiastical Commissioners, he should advise them to keep the strong box locked and to lend nobody the key. He did not believe litigation in the future would be much greater than it had been in the past. In the Province of York there had been two or three cases of the kind which would come under this Bill in 10 or 12 years; there had not been many more in the Province of Canterbury; and it would be rather extravagant to pay £4,000 a-year for the trial of two cases a-year. When the mediation of the Bishops was to be superseded by this Court he did not value the boon.

THE ARCHBISHOP OF CANTERBURY said, it was wise to adhere as much as possible to old principles. The Courts of the Archbishops were of great antiquity, and the Church was ready to submit to these Courts with the prescriptive authority they had as Ecclesiastical Courts; and he therefore advised the noble Earl not to deprive them of that character. While hesitating to support the clause, he was anxious that it should be as perfect as possible before they voted upon it. He understood it was provided by the Judicature Bill that no Judge of a Superior Court of Law should hold any ecclesiastical office.

THE LORD CHANCELLOR said, that whether £4,000 a-year would be sufficient to procure a competent Judge or not, the main question was whence the payment was to come. Somebody must be provided who should be responsible for the salary, and he was bound to say that there was in his opinion no object to which the funds of the Ecclesiastical Commission could be more properly devoted than to the payment of an ecclesiastical Judge. Nor was it a fair way to represent, as a most rev. Prelate had done, that this would be paying the Judge out of the funds of the local clergy. The funds of the Ecclesiastical Commissioners were public funds, and could not be more appropriately applied than to the payment of a competent Judge. He believed no higher Church purpose could be attained than by making a proper provision for a Judge, and that it was fitting that in this instance the salary should be £4,000 a-year. But as he was to be a Provincial Judge it would be straining the point to

say that he should be appointed by the Crown. The appointment would very properly be placed in the hands of the most rev. Primates.

LORD PENZANCE said, his objection to the Bill as it stood was that while it provided a new mode of bringing the first steps of the suit, it retained the appeal to the Provincial Court of the Archbishop and also the appeal to Her Majesty in Council. This would not get rid of expense and delay. As to the question of who was to appoint the two Provincial Judge—he was to have cognizance of ecclesiastical causes referred to him by the Archbishops, and he thought, therefore, that the appointment would properly be lodged with them.

LORD SELBORNE said, their Lordships ought to consider whether such a Judge was wanted at all; and, if he were, whether the present was a fitting time for creating him. At the present time, there were two Judges for the two Provinces without any salaries—for the salary of the Dean of Arches was only £5 a-year. This state of things ought not to continue, if there was to be any Ecclesiastical Judicature at all. He thought it desirable to have one Judge for the two Provinces, and would not hesitate to vote in favour of his salary being provided out of the funds of the Ecclesiastical Commissioners.

THE BISHOP OF OXFORD objected to the course of proceedings now proposed in reference to the prosecution of offenders against the provisions of the Bill. The original Bill was directed to the regulation of Public Worship; its authors had disclaimed the intention of giving a penal character to their measure. The new Bill was an Amendment, in fact, of the Clergy Discipline Act, and it ought, therefore, to extend to all criminal offences committed by Clerks in Holy Orders. In its present form, it would give some colour to the assertion frequently made, that slight errors in matters of ritual and ceremony were considered graver offences than acts of immorality or general neglect of duty. The Amendment would wholly abolish the Bishop's Court. He (the Bishop of Oxford) did not want to magnify his office; but it was an ancient and important office, and if by legislation Bishops were required to be deliverers of sentences prepared for them, some of the Bishops might object to be mere ma-

chines in that way. To use a word of the day, they might "strike."

THE MARQUESS OF BATH said, he did not like either the Bill or the Amendment of the noble Earl; but he believed that Amendment, which was a simple one, would do as little harm to the clergy as it was possible to do to them under the Bill. As to the question of discretion, he hoped the noble Earl on further consideration would consent to leave discretion with the Bishop. He (the Marquess of Bath) asked that not in the interest of the Bishop, but for the protection of the clergy.

THE EARL OF CHICHESTER supported the Amendment, as the best means of providing a really efficient tribunal.

THE BISHOP OF CARLISLE thought it extremely probable that, if the clauses were carried, the whole of the work under the Bill would fall to the Judge. It was only to be competent for the Bishop to hear a case when both parties agreed not to appeal, but it was most improbable that there would be any such agreement. The case would, therefore, go at once before the Judge, and he would send the result to the Bishop, who, as his humble servant, would pronounce judgment in accordance with it. This was a painful position to place the Bishop in; and it seemed to him that they were, in fact, appointing a Court of Appeal without having first satisfactorily provided a Court of First Instance.

On Question, Whether to insert Clause (a.)? Their Lordships *divided*:—Contents 112; Not-Contents 13: Majority 99.

Resolved in the Affirmative.

CONTENTS.

Canterbury, Archp.	Amherst, E.
Cairns, L. (<i>L. Chancellor.</i>)	Bandon, E.
York, Archp.	Belmore, E.
	Bradford, E.
	Brownlow, E.
Cleveland, D.	Camperdown, E.
Devonshire, D.	Carnarvon, E.
Manchester, D.	Cathcart, E.
Richmond, D.	Chichester, E.
	Derby, E.
Bath, M.	Devon, E.
Hertford, M.	Ducie, E.
Lansdowne, M.	Eldon, E.
Salisbury, M.	Feversham, E.
	Fortescue, E.
Abergavenny, E.	Granville, E.
Airlie, E.	Grey, E.

The Bishop of Oxford

Harrowby, E.	Carysfort, L. (<i>E. Camp. fort.</i>)
Kimberley, E.	Churchill, L.
Macclesfield, E.	Clinton, L.
Morley, E.	Colchester, L.
Morton, E.	Cottesloe, L.
Onslow, E.	Crewe, L.
Rosse, E.	De Saumarez, L.
Rosslyn, E.	De Tabley, L.
Sandwich, E.	Dinevor, L.
Shaftesbury, E.	Ebury, L.
[<i>Teller.</i>]	Egerton, L.
Sommers, E.	Ellenborough, L.
Spencer, E.	Ettrick, L. (<i>L. Napier</i>)
Sydney, E.	Fitzwalter, L.
Waldegrave, E.	Foley, L.
Wilton, E.	Grinstead, L. (<i>E. Emis killen.</i>)
Cardwell, V.	Hampton, L.
Clancarty, V. (<i>E. Clancarty.</i>)	Hammer, L.
Gordon, V. (<i>E. Aberdeen.</i>)	Hartismere, L. (<i>L. H. niker.</i>)
Halifax, V.	Hatherley, L.
Hardinge, V.	Lanerton, L.
Hawarden, V.	Monck, L. (<i>V. Monck</i>)
Strathallan, V.	Monson, L.
	Mont Eagle, L. (<i>Stigo.</i>)
Bangor, Bp.	Mostyn, L.
Bath and Wells, Bp.	Oranmore and Brow L.
Exeter, Bp.	Overstone, L.
Gloucester and Bristol, Bp.	Penrhyn, L.
Hereford, Bp.	Penzance, L. [<i>Teller</i>]
Llandaff, Bp.	Plunket, L.
London, Bp.	Redesdale, L.
Manchester, Bp.	Robertes, L.
Norwich, Bp.	Salterford, L. (<i>E. C town.</i>)
Ripon, Bp.	Saltoun, L.
Rochester, Bp.	Selborne, L.
St. Asaph, Bp.	Skelmersdale, L.
Worcester, Bp.	Stanley of Alderley
	Templemore, L.
Bagot, L.	Waveney, L.
Boston, L.	Wenlock, L.
Boyle, L. (<i>E. Cork and Orrery.</i>)	Wharnccliffe, L.
Braybrooke, L.	Winnarleigh, L.
	Wynford, L.

NOT-CONTENTS.

Bristol, M.	Blachford, L.
	Denman, L.
Beauchamp, E.	Foxford, L. (<i>E. rick.</i>) [<i>Teller</i>]
De La Warr, E.	Lytelton, L.
Nelson, E. [<i>Teller.</i>]	Ross, L. (<i>E. Gla</i>)
Powis, E.	Silchester, L. (<i>E. ford.</i>)
Carlisle, Bp.	
Oxford, Bp.	

Then, on Question, Clauses (b.), (d.), (e.), (f.), (g.) *agreed to*, and *in* in the Bill.

Clause 8 (Representation by a deacon, rural dean, or parishioner).

Moved, That the House be *resu objected to*; and Motion (by leave of Committee) *withdrawn*; An amend

House to be again in Com-
Monday next.

**ELEMENTARY EDUCATION
BILL [H.L.]**

provide for the exception of the
Wenlock from the category of
der the Elementary Education Act,
presented by The Lord WENLOCK;
o 84.)

House adjourned at a quarter before
Twelve o'clock, 'till To-morrow,
Eleven o'clock.

SE OF COMMONS,

uesday, 4th June, 1874.

—NEW WRITS ISSUED—For Dur-
v. John Henderson, esquire, and
Charles Thompson, esquire, void
for Haverfordwest, v. Lord Ken-
sid Election.

—Resolution in Committee — Or-
der Reading — Valuation (Ireland)
ment* [134].

Order Reading—Canadian Stock (Stamp
transfers)* [133].

Order Reading—Alkali Act (1863) Amend-
ing; Intoxicating Liquors (Ireland)
[114]; Oyster and Mussel Fisheries
Confirmation* [129]; Drainage and
Rent of Lands (Ireland) Provisional
[31].

Order Reading—Referred to Select Committee—
Lanes and Anchors* [86].

Order Reading—Intoxicating Liquors [83]—[R.P.]
Report—Local Government Provi-
sions (No. 2)* [112]; Building Socie-
ties* [116-132].

Order Reading—amended—Harbour of Colombo
[66]; Revenue Officers Disabilities*

**—MEMORIAL OF OUT-DOOR
OFFICERS.—QUESTION.**

MR. SMITH asked the Secretary to
State, If he would state to the
House at decision, if any, has been
regarding the Memorial of the
Outdoor Officers at the Out-
door, if no decision has yet been
when the Memorialists may
?

H. SMITH, in reply, said,
Memorial had only recently
been presented to the Treasury from the Customs
and there had not yet been suf-
ficient time to consider the very impor-
tant question which it involved.

CCXIX. [THIRD SERIES.]

**ARMY—LORD AYLESFORD AND THE
WARWICKSHIRE YEOMANRY
CAVALRY.—QUESTION.**

MR. DILLWYN asked the Secretary
of State for War, Whether his attention
has been called to a Statement which
appeared in the evening newspapers of
the 21st of May, to the effect that Lord
Aylesford, with a troop of Yeomanry
Cavalry, demanded admission at the
Leamington Railway station as a guard
of honour upon the occasion of Her
Majesty's passing through that station
on the 20th of May, and that on being
refused admission by the Railway offi-
cials he forcibly obtained it; and, whe-
ther Lord Aylesford had received orders
or authority from his superior officer to
form a guard of honour on that occa-
sion?

MR. GATHORNE HARDY: In re-
ply, Sir, to the Question of my hon.
Friend, I think I had better state the
circumstances as they have been ascer-
tained by inquiry. I told him on a
former occasion that inquiries were in
course of being made, and I have now
received reports from different sources,
which all, practically, give the same
account of the transaction. It appears
that the Warwickshire Yeomanry Cal-
vary were at Warwick, under the com-
mand of Lord Warwick. It is usual
every evening to tell off a troop for picket
duty, and on the evening in question,
the 20th of May, Lord Aylesford's troop
was told off for picket duty. It was at
that time known that Her Majesty would
stay for a few minutes at the Leaming-
ton station on her way to the North, and
Lord Aylesford's troop were very eager
to pay Her Majesty a mark of respect
as a guard of honour, and Lord Ayles-
ford asked Lord Warwick if he might
be permitted to go over to Leamington
to see if his troop would be permitted to
act as a guard of honour to salute Her
Majesty. He arrived at Leamington,
and while his troop remained in the road
outside the station, Lord Aylesford rode
up to a temporary barrier, and asked
for admission for himself and his men.
There were there some railway officials
—platelayers—who told him he could
not have admission. He thereupon
asked to see the station-master. In the
meantime, as he came up to the barrier,
one of the men took hold of his horse,
and attempted to put him back. Lord

Aylesford then dismounted, and attempted to go under the barrier, that he might speak to the station-master, whom he had asked for. He was seized by the men, and I may say, on the authority of all the reports, that he used no more violence than was necessary in order to release himself from them. One of his troop dismounted, and Lord Aylesford immediately reprimanded him, and told him to re-mount. The troop remained perfectly quiet, and when the train came up, Lord Aylesford asked to speak to the Equerry in Waiting. General Ponsonby came up, and spoke to him through the railing. He said Her Majesty did not wish to hurt his feelings at all, but She desired that her short stay in the station should be quite private, and that She did not wish to encourage volunteers to appear at all in the station. Lord Aylesford immediately returned to his troop, and went back to Warwick. So that I may say, in the first place, that Lord Aylesford did not obtain admission to the station by violence; and, in the second place, that he had the permission of his commanding officer to go to Leamington as a guard of honour.

INDIA—RELIGIOUS RIOTS AT BOMBAY.

QUESTIONS.

MR. FORTESCUE HARRISON asked the Under Secretary of State for India, Whether he has any objection to lay upon the Table of the House any official Correspondence which has taken place between the Marquess of Salisbury and the Parsee Community at Bombay on the subject of the religious riots which took place in that city in February last; and whether it is the intention of Government to make any investigation of the causes which led to these disturbances, the means used for their suppression, and the general conduct of the local authorities during their continuance?

MR. DUNBAR asked the Under Secretary of State for India, Whether he has any objection to lay upon the Table of the House (in addition to the Papers mentioned in the question of the honourable Member for Kilmarnock Burghs) Copies of any Despatches which have been received at the India Office in reference to the recent riots at Bombay, and also Copies of the Reports of the

Commissioner of Police at Bombay relating thereto?

LORD GEORGE HAMILTON, in reply, said, that the Secretary of State had received a Memorial on the subject of the riots in question, but he had not yet replied to it, inasmuch as the Papers only arrived a few days ago. The matter was still under the consideration of the Secretary of State, and as soon as the Papers were ready, they would be laid upon the Table.

ARMY—THE MILITIA AND THE LINE QUESTION.

MR. O'REILLY asked the Secretary of State for War, Whether it is the intention of the Military authorities, during the present drill season, to call for volunteers from each Militia regiment, at the close of its training, for the linked corps of the Line?

MR. GATHORNE HARDY, in reply, said, that the special condition of the linked Corps service at the present moment would not render it necessary to make any special call for volunteers from the Militia. Volunteers would, however, be accepted, and, as a rule would, as far as possible, be posted in the brigade of the sub-district to which they belonged.

IMPRISONMENT FOR DEBT.

QUESTION.

MR. BASS asked the Secretary of State for the Home Department, If his attention has been drawn to the case of Daniel Norley, a labourer in the parish of Burnham in Kent, who at the end of last year was summoned to the County Court at the suit of a tallyman, for a debt of 12s. 6d.; and on the hearing of the judgment summons Norley's wife appeared and told the court her husband was confined to his house by severe illness, and was then and had been for some time supported by the parish and attended by the parish doctor; that, nevertheless, an order was made for payment of the debt in two instalments; in default of payment whereof, Norley was in February last taken from his sick bed to Maidstone Gaol; that he only remained there two days, was sent home, and died a few days after; and, how far this statement is consistent with the declaration "that no debtor is imprisoned unless he was then, or had been

Mr. Gathorne Hardy

since the issue of the summons, able to pay the debt sued for?"

MR. ASSHETON CROSS, in reply, said, he had, upon a former occasion, stated most of the details of the case. He had subsequently inquired into the question of the ability of the man to pay the debt, and he found that the order was first made on the 25th October, 1871, for 12s. 6d., and the judgment summons was not made out until the 2nd April, 1873, when no one appeared on his behalf. It had been proved to the satisfaction of the County Court Judge that his wife had admitted, in his presence, that he earned 18s., and sometimes a guinea a-week.

THE COLLEGE OF PHYSICIANS (IRELAND)—SUPPLEMENTAL CHARTER.

QUESTION.

MR. DUNBAR asked the Chief Secretary for Ireland, Whether any application has been made by or on behalf of the President and Fellows of the King's and Queen's College of Physicians in Ireland for a Supplemental Charter altering the mode of electing Fellows and instituting a new order to be styled Members of the College; and, whether, before the granting of any such Supplemental Charter, an opportunity will be given to this House of expressing an opinion on the proposed alterations?

SIR MICHAEL HICKS-BEACH, in reply, said, that the application for a Supplemental Charter had not been reported on by the Law Officers of the Crown; and, until that was done, he could not answer the second part of the hon. Member's Question.

NEWFOUNDLAND FISHERIES.

POSTPONEMENT OF NOTICE.

MR. BOURKE said, he wished to appeal to the right hon. and gallant Baronet the Member for Stamford (Sir John Hay) to postpone a Motion of which he had given Notice in reference to the Newfoundland Fisheries. He did so on these grounds—the subject had been and then was under consideration, and negotiations were going forward both with the Colony of Newfoundland and the French Government on the subject. What he wished was that the right hon. and gallant Baronet would postpone his Motion until Her Majesty's Government

were prepared to make a statement on the subject.

SIR JOHN HAY said, he had no difficulty in acceding to the request of his hon. Friend, inasmuch as his sole object was to assist in settling a very difficult question.

INTOXICATING LIQUORS BILL.

(*Mr. Raikes, Mr. Secretary Cross, Sir Henry Selwin-Elphinstone, Mr. Chancellor of the Exchequer.*)

[BILL, 83.] COMMITTEE.

Order for Committee read.

MR. ASSHETON CROSS, in moving that Mr. Speaker do now leave the Chair, said, it became his duty, in accordance with a promise he made to the House some little time ago, to make a statement to them as to the views of the Government upon this matter. In the first place, he was sure the House would pardon him for a few moments whilst he stated what he really believed to be the fact, that what he said when he introduced this Bill, and also on the second reading, had been very much misunderstood and misrepresented throughout the country. He was quite aware that all things were considered perfectly fair in love and war, and he supposed also the same thing applied to politics, and therefore he had no reason to complain, but should feel as happy as he could under the circumstances. It had been stated very freely—not merely by the Members of that House but throughout the country—that he had found grievous fault with the Act of 1872 regarding this question, and also that the Act had not worked satisfactorily. What he really did state was, that the late Government in bringing forward their first Bill, though anxious to approach the question with the greatest care and consideration, showed that at that time they certainly did not understand the nature of the question with which they had to deal. He believed that throughout the length and breadth of the country that measure was universally condemned, and so was the action of the late Government upon it. He had always stated, and he stated it again, that the late Government, when they approached the second Bill in 1872—committed a mistake. He did not believe they thoroughly understood the object which every one interested in the question had in view—namely, the best

of closing which were named in the Bill, he was particularly anxious the House should see and clearly understand that the hours were not such as the Government bound themselves to follow. He had been very roundly abused for making that statement, and for giving, as it was said, increased time for drinking. The abuse he did not object to; but one of the public Press in this country stated that he had not sufficiently or satisfactorily explained the views of the Government. He had borne that rebuke with great equanimity. It should be borne in mind that he had stated he would not hurry on the second reading of the Bill, as he wished the House to have ample opportunity of fixing the hours of closing for themselves. He therefore thought that he had some right to complain of those persons outside the House who had very diligently gone up and down the country stating that the Government had pledged themselves to bring in a particular Bill lengthening the hours in the interests of drunkenness. When the Government had first approached the question, one of the most important questions they had to consider was what were the hours which they ought to suggest to the House. They had done so; but they had frankly acknowledged that it was a point on which the opinion of the House itself should be taken. It had been said that the Bill proposed to afford an extra half hour for drinking in the metropolis. No statement could be more inaccurate. Persons who made it were not in the least aware of what were the actual conditions of the metropolis when the Bill was introduced as well as at present; and what were the actual conditions of the closing hour? No doubt, by the Act of 1872 the hour of closing in the metropolis was fixed at 12 o'clock; but it was felt that to compulsorily close all public-houses throughout the metropolis at that hour would be too stringent a measure, and, therefore, a clause was inserted in the Act under which the Commissioner of Police was empowered to grant occasional licences in order to suit the convenience of those who frequented the various theatres. Under those occasional licences certain houses were authorized to keep open nominally until 12.15. But that was not all. The real exemption entitled persons who happened to be in the house to remain till

1 o'clock in the morning, or rather they were allowed to remain in the house till that time, consuming the liquor they had purchased before 12.15. The public were allowed to enter the exempted houses up to 12.15, and when once there they were allowed to remain as long as they liked up to 1 o'clock. A Question had been put to him the other night by an hon. Member (Sir John Kennaway) as to the number of exemptions granted to houses within and without the radius of one mile from Charing Cross, and having ascertained the exact figures, he was able to state that the number of exemptions granted to houses outside that radius was 81, and the number inside that radius was 48—making a total of 129 for the whole of the metropolis. Therefore it was idle to contend that under the Act of 1872 the actual hour of closing was 12 o'clock. Moreover, it was to be further borne in mind that the persons who frequented those houses and remained there until 1 o'clock were not altogether, or, indeed, in anything like the majority of cases, frequenters of theatres, but persons who went there solely to get refreshment, and for the purpose of drinking. All persons out for business or for pleasure took advantage of those houses which were allowed to remain open for an exclusive purpose. They used them until 1 o'clock in the morning, and then they were turned out into the streets. But there was another condition attaching to the case of London, which he thought the House and the country generally were against. When the Act of 1872 was brought in, it was believed that it enacted that no liquor should be consumed in the house after the time the house was closed. That had even been his own impression; but after the Act was passed, and the opinion of the magistrates was taken on the point, it was held by the Lord Chief Justice of the Queen's Bench that a reasonable time should be given after the house closed for the consumption of the liquor that was bought before 12 o'clock. One magistrate, indeed, had laid it down that a reasonable time for the consumption would be 20 or 30 minutes after the party entered, which would bring the hour up to 10 minutes to 1 o'clock. It had been the practice of the magistrates to allow some 15 or 20 minutes for the consumption of the liquor after the time of actual purchase. Well, he had to

take that important point into consideration, for the practice had been very generally followed. It was perfectly idle to say, keeping this fact in view, that the hour for closing in London under the Act of 1872 was 12 o'clock. Another point persons who discussed this question seemed altogether to forget, and it should not in this discussion be overlooked. Seeing the evils which had arisen from the decisions of magistrates who refused to impose penalties on publicans who allowed persons to remain on their premises a certain time, whether 10, 15, or 20 minutes, to consume the liquor they had purchased before the hour named in the Act after which liquor should not be sold, he had given instructions to have words inserted in the Bill to prevent any such decisions being arrived at after the Act came into force, and accordingly it was stated in the Bill that when liquor was purchased either before or after the closing hour, and a person was found consuming it on the premises after the closing hour, the person so found in the house should be considered as being guilty of a breach of the Act, and the publican who allowed him to remain there should be also liable to a penalty. [Sir WILLIAM HARCOURT: What clause makes that provision?] The 8th clause. It was there stated that—

"Any person who, during the time at which premises licensed for the sale of intoxicating liquors are directed to be closed by or in pursuance of this Act, sells or exposes for sale in such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating liquors, or allows any intoxicating liquors, although purchased before the hours of closing to be consumed in such premises, shall, for the first offence, be liable to a penalty not exceeding ten pounds, and for any subsequent offence, to a penalty not exceeding twenty pounds."

The very question asked by the hon. and learned Gentleman, and by the right hon. Gentleman too, what clause met that point?—was the point hon. Members seemed to forget, and gave him the right to state, as he had already stated, that the measure was misunderstood. There could be no stronger proof of that fact than the question asked by the hon. and learned Gentleman on the front Opposition bench, who took exception to his statement when introducing the Bill, and who had given Notice of an Amendment on going into Committee. So far as London was concerned, the effect of this

Bill in general would be to increase the hours at which houses were practically allowed to remain open by the decision of the magistrates not half-an-hour, but 10 minutes. Practically, therefore, they would be left as they were, and when they put against that the absolute closing of the exempted, they would find that the hours were placed on a far better and more intelligible understanding. They were bound to satisfy the country that this legislation was not for a class. The question had been asked of the House, "Whether, if they were going to close public-houses, they were not going to close their own clubs also?" ["Oh."] Well, he knew that the distinction between the two was a very broad one; but they should remember that they were dealing with people who did not understand distinctions, and among them were men who were turned out of public-houses at 12 o'clock, and who, if they walked down Pall Mall, found the club-houses open, and complained that in the legislation of the House on the subject certain rules were laid down for the rich and certain other rules for the poor. The practical result of closing public-houses early in London, as many apprehended would be the case, and as, indeed, he had stated on introducing the Bill, was likely to be the case, was that those people would establish clubs for themselves. [*Opposition cheers.*] He was glad to hear that cheer. He thought the object of all this legislation was not simply to regulate public-houses, but to put down drunkenness and drinking. But they might depend upon it that if they once got the classes who frequented public-houses into the habit of buying their own spirits, of coming together and meeting at their own clubs, they would find it a much more difficult matter to put down drunkenness and drinking in such places than when they had control over them. The result of all the information he had been able to acquire—and in this he was happy to be confirmed by what he understood was the deliberate intention of the Bill of the late Government—was this, that the same difficulty was felt by them as by him, and that the same arguments as weighed with the late Government weighed with him. The conclusion to which he had been led under all the circumstances, and which, in fact, he had formed before, was that they could

not close the public-houses in London before 12.30. When he first considered the question, he was met at the beginning with a great difficulty—that of determining where London should begin and where it should cease; and there did seem some difficulty in saying that the definition given in the Bill was the right one. He was free to confess, however, that the more he had looked into the question, the more he had felt himself justified in coming to the conclusion to strike out the district outside that of the Metropolitan Board of Works. Although, no doubt, there were localities outside that district as populous as those within it, they had one by one disappeared as fast as he came to study their situation and circumstances, and before the question was put to him first before Whitsuntide, to what places longer hours should be conceded, they had reduced themselves to one. He was free to confess that upon the most careful consideration he had since been able to give the subject, he had been led to the conclusion that there was not the smallest necessity for extending the boundary of the district of the Metropolitan Board of Works. [An hon. MEMBER: West Ham?] Practically it became a question in such localities, not of 10 or 15 minutes, but of an hour and a half, and that was a large question. He had determined, therefore, to throw out all outside that boundary. He had looked every morning at the Paper, expecting to find Notice of some Motion that would help to define what London was, irrespective of the district of the Metropolitan Board of Works, but he had not found one; and his only conclusion on the subject was this—that though so many people had said that the centre of London wanted more than the district outside; yet when they came to ask those persons what the centre of London was they found that they had the greatest difficulty in saying. And on the part of all those who urged those views there was not one suggestion as to what London should be defined to be, otherwise than as the definition stood in the Act itself. He should be glad to give his attention to any other definition that might be proposed, and as one was very much wanted he should be glad to hear one laid down that would make the distinction. That being the case for London, he would now come to the case for

the country. When he laid the Bill before the House he stated frankly his opinion that there was a distinction between the cases of London and of the country. In the discussion of that question there was only one consideration to guide them, and upon which they could act—namely, the actual wants of the several localities. When the publicans themselves were asked this question—What do you think the hours for the country ought to be? they gave what he considered a very clear, intelligible, but very illogical answer—namely, that the hours should be uniform. This answer was illogical, for he confessed he could see no reason in it whatever. He said to them, accordingly, that they were wrong in their argument, that the question was one which the Legislature would have to consider for itself. He threw overboard, therefore, the principle of uniformity altogether. The question now was, what hours ought to be fixed. He believed that Parliament and the country were agreed that when the Legislature came to the question of the hours at which public-houses should open and close, they should be subject to certain restrictions. By the recognition of that principle, an immense difficulty was avoided. They would avoid the unseemly discussions which, as appeared from the Returns moved for by the hon. Member for Stoke (Mr. Melly), had taken place on local benches of magistrates, and that would allow country places to rest at peace in the knowledge of what their hours were to be. They would avoid also an infinite diversity of hours, which in itself would be an immense advantage. It was better, he thought that a broad and intelligible principle, in which all minor differences might merge, should be laid down and established. If they would look at the Returns moved for by the hon. Member for Stoke, they would find that there was a great diversity of opinion among the magistrates upon this question. In one part of a county certain hours were fixed; in another part of the same county, in precisely the same situation, totally different hours had been fixed. He had come to the conclusion, therefore, that the magistrates, in arriving at their several decisions, though they had doubtless acted for the best, and from the best motives, were more or less biassed by their own

individual opinions, and the various views they took as to the particular wants of the country. Then, when they came to look to the answers given by the Mayors, they would find them to be the answers of the same class of men as had fixed the hours, and the same answers were given in each case. Where the hours were not fixed by the Act, it was said that the hours determined upon were exactly those that were granted. But there was another thing, and that was that the Police Returns showed the same general state of facts. The practical effect of these Returns was to show that, upon the whole, the Act of 1872 was working well. The streets were more quiet, and people went to bed earlier. But in the Papers that had been laid upon the Table of the House, containing the usual annual Returns of the Inspectors of Police, there was an important admission—namely, that while they all commenced in this way—"Though we are sorry to say that drunkenness has increased," they next proceeded to say—"yet the streets are quieter." They said that though the streets were quieter, there was, nevertheless, an increase of drunkenness. He said, when he introduced the second reading of the Bill, that it was thought expedient to fix the hour for 12.30 in London, and at the same time came, as he thought, to the wise and sound conclusion that in the country it should practically be 11. He hoped, however, the House would bear in mind that in fixing the hour at 11, he saw the danger of promoting secret drinking, and if hereafter he should think it necessary to ask for powers to put down that system, they must bear in mind the warning he had given them. Now, on the question of secret drinking, he would ask them to examine how the facts stood. He had already stated that a great deal of that was going on in London, and they must expect to find the practice also carried on in the country; and certainly, looking to the Police Returns, especially those from the northern districts of the country, he was bound to confess that more quiet drinking, as it was termed, in private houses, went on now than for some time past. The practice was for parties to buy liquor in public-houses previous to their closing, and take it home to drink. In all the Returns it was clearly shown that this practice was mainly owing to high wages

and less work. Those two facts led many into the habit of purchasing, as he had already said, liquor in the public-houses, and taking it home to drink after they had closed. It was generally spoken of throughout the country as the "bottle system," and a mere evasion of the law. Then, again, let the House look at the Returns made by the Mayors of cities and boroughs throughout the country. The Act of 1872 found the habit in existence, and in the Returns he had named no fewer than 35 boroughs were named where the practice was almost general. Among them were Berwick, Bury, Derby, Kidderminster, Manchester, Warrington, Worcester, Liverpool, Stalybridge, and other towns; and if his hon. Friend the Member for Droitwich (Mr. Corbett) would examine those Returns, he would find that generally the limitation of the hours for keeping public-houses open had led to an increase of drinking in private and unlicensed houses. At Hull, the increase of drunkenness was largely attributed to increased private drinking. The Mayor of Newport reported that in his district Young Men's Clubs and Working Men's Clubs were forming where the parties were at liberty to drink as long as they pleased, and carried off bottles from the public-houses at closing time, or procured them from the grocers. This was the most dangerous thing which could happen for the sobriety of the country. He stated these circumstances in order to point out that if the Government in after years should think it necessary to introduce measures to check the system, the House would remember that the mere fact of the hour of closing made very little difference—that whether it was late or early, whether 10, or 11, or 11.30, or even 12, the practice was the same. If they looked at the answers of the Mayors, they would find that wherever the hour for closing was 11.30, with the exception of Deal, drinking had not increased; and, in answer to the last question put to them in the Circular issued respecting illicit drinking, it would be found that, with the exception of Canterbury, where the matter was uncertain, no illicit drinking was going on. It was impossible to guard against the driving drinking habits from public-houses into places where it would be under less control, and it was this which led him to propose

11.30, though he should be glad if his apprehension proved unfounded. Let them take a group of boroughs such as Deal, Dover, Sandwich, and places in that district. In Deal the number returned as drunk was 1 in 186; in Dover, 1 in 226; in Sandwich, 1 in 235; in Canterbury, 1 in 235; in Great Yarmouth, 1 in 263; and in Cambridge, 1 in 500. But if they took Oxford, where the hour was 11.30, it was 1 in 657. Then if they went to a part of the country where a totally different system prevailed—say the Principality of Wales—instead of 1 in 657, there was in Swansea only 1 in 74. Then take Denbighshire, where it was 1 in 210, and Flintshire 1 in 110; yet the hours in those counties were 7 A.M. to 10 P.M., and the sobriety of the Principality had been much vaunted. At Hull, where the hour was 10.30, drunkenness was 1 in 81. He would next call the attention of the House to the larger towns, and especially two towns—namely, Manchester and Salford, and Liverpool. Manchester and Salford were not as large as Liverpool, but there was in the latter a larger number of public-houses. The magistrates did all they could to restrain them; but the result was that, while in Manchester and Salford it was 1 in 44, in Liverpool, despite special precautions, it was 1 in 27. He would now ask the House to compare this state of things with that which prevailed in the metropolis, where there was a much larger population, and where the hours of closing were as a rule later. Under those circumstances he had been prepared to find that there was a great deal of drunkenness; but the Returns of the Metropolitan Police District were more favourable than he had expected, inasmuch as they showed that the cases of drunkenness were only 1 in 130. With these facts before them they should be cautious not to come rapidly to the conclusion that the closing of public-houses half-an-hour earlier or half-an-hour later made any great difference. It came to this—what he believed was the object of every man—to put down the abominable extent to which drunkenness now prevailed. His own belief was that they would never accomplish that until they persuaded the people that drunkenness was a great and detestable vice. The moment they got the people to see that to get drunk was a disgrace, a thing that was bad in itself,

and that if they indulged in drunkenness men of their own class would not associate with them—the moment they could persuade the people of this, that moment they would put an end to the evil. His fear, however, was that by attempting to place drinking under severer restrictions they would fall into the error of increasing the extent of that which they wished to put an end to, and that they would drive drinking into places where they would not have the same hold of it as they had at present. That was his great fear, and to prevent it was one of the main objects of the Bill. Since the Bill had been introduced a new question had presented itself, and that was the question of the hours of opening, and he was somewhat surprised to find that the matter had not been brought to his attention by any deputation until after the Bill was printed. He now found, however, that there was a much greater difference of opinion upon that point than he had expected to find. In fact, the wants of the country were in this respect different. In the manufacturing districts of the North it was the wish of the working classes themselves that the public-houses should not be opened until 7 o'clock in the morning, as they had no wish to go into them until that time, and had much rather that the temptation should be kept out of their way. In the South of England, in the agricultural districts, a totally different feeling prevailed. The agricultural labourers wished to find the public-houses open when they went to work, not that they wished to drink beer, but that they wished to buy beer to take with them to their work for use at their meals during the day. He, therefore, found a considerable difficulty in drawing a hard-and-fast line with respect to these two desires, and he confessed he should like to have this question of the 7 o'clock opening satisfactorily settled; for although the hon. Members for Liverpool and Birkenhead might be able to show from satisfactory reasons that 7 o'clock was a sufficiently early hour at which to open the public-houses in those towns, still that was no reason why the other districts of the country should be placed under the same rule. What he proposed was that they should leave London and the large towns where he had stated, and work on from the 3rd clause, closing in London at 12.30, and in the country at 11 o'clock, and opening in both at

6 o'clock in the morning. He had now to speak of what he called the pure country. The pure country stood on a different footing from the towns in the country. The houses there were chiefly beer-houses, and the only reason why he had ever separated the beer-houses from the public-houses was simply this—that he was anxious to prevent illicit drinking, which would be sure to take place were they to allow the one to be flooded from the other. The moment they were put upon the same footing that objection vanished. He should, however, explain that when he separated them he included with the beer-houses grocers' shops, refreshment rooms, and other places licensed for the sale of intoxicating drinks. Now to come to the rural districts, to places where the population was under 2,500, and here there came this practical difficulty. The beer-houses had never been on the same footing with the public-houses. The hon. and learned Gentleman the Member for Oxford (Sir William Harcourt) said it was essential that they should be, but it was not essential, inasmuch as they had gone on for years without. It might, however, be desirable. When they came to small places they must either raise the beer-house to the rank of the public-house, or reduce the public-house to the level of the beer-house; they could not keep the hours different in respect to the length of time the houses were to be kept open; and therefore, looking at the matter in the broadest and most comprehensive view, what he proposed was that the houses in the country should open at 6 o'clock and close at 10 o'clock, which would practically give them the same number of hours as the houses in the towns which opened at 7 o'clock and closed at 11 o'clock. He thought that was a fair way of dealing with the case. He did not believe, from the time this Bill had been laid before the House till now, that any serious suggestion had ever been made practically to alter any material provision of the Bill with the exception of the hours of closing. He believed the Bill had been accepted as a fair attempt, not to run counter to the measure of the late Government, but to do what that Government unfortunately did not do, because, owing to the late period of the Session when the measure was brought in, it could not be fairly discussed. This measure was consistent

with the whole spirit of the Act. There was not a single Member of the House who had ventured to place a Motion on the Paper that this Bill should be read a second time this day six months. Why? Because they saw it was a good and sound measure, which would conduce to the peace and good order of the country by the introduction of the early-closing licences, which would, he believed, be largely used; because it was known to be an honest attempt to settle once for all the question of the *bona fide* traveller; to place under the protection and superintendence of the police all premises where intoxicating liquors were sold, by occasional licence or otherwise; while the question as to selling at fairs and races—one of the most intolerable nuisances that ever existed—would be once for all put down. At the same time, it was known that the Bill had been drawn with the greatest fairness towards those engaged in the trade, the object being to remove all undue restrictions—to remove the annoying supervision of the police, while giving, at the same time, full powers for keeping order in public-houses; the object being, practically, to introduce a better class of men—men with capital—into the trade, with the view of having it better conducted, and, with reference to offences, to do what he believed was essential—namely, to give to the magistrates actual power as to the punishment to be inflicted, and whether it should be recorded on the licence or not. The Bill, when first introduced, was received in a fair and generous spirit by the whole Press of London. Not one single word was said against it, even by papers hostile to the Government. It was accepted as a fair settlement of a very difficult question, and he would only now read two sentences from newspapers certainly not friendly to the Government—*The Times* and *Daily Telegraph*—. They said that the Bill might be roughly described to have for its object the abolition, as far as possible, of all special and exceptional legislation surrounding that trade, and that its main principle seemed to be the true one, and to be shaped in a spirit of fairness and reason. He would say, of fairness and reason towards the trade and towards the public, for he could not forget that the leading journal, which had always taken more strongly than any other newspaper the view that it would

have been wiser to leave that legislation alone, said that, though the measure was fair and equitable to the publicans, the Government must recognize the wisdom of making it as innocuous as possible to the country. He was obliged to the House for the attention it had given him, and, in conclusion, he would suggest that if they dropped out the 2nd clause of the Bill and accepted the suggestion of the hon. Member for Birkenhead (Mr. Laird), which fixed the hours at 11 instead of 11.30, the Bill would accomplish all that the Government expected of it.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Assheton Cross.)

SIR WILLIAM HARCOURT said, in the course of a few years of Parliamentary experience, he had always observed that when a Minister thought it necessary to make a statement of more than an hour's length on the Motion for going into Committee on a Bill that had been read a second time unopposed, he did so because he thought that the Bill was somewhat in danger. His right hon. Friend had taken that course upon that occasion. He (Sir William Harcourt) should never have thought of comparing the Home Secretary of a Government with a majority of 50 or 60 to David going forth against Goliath, and he should have thought that the peroration of a Cabinet Minister's speech might have been made without quotations from any newspaper. The right hon. Gentleman had taken the position—always an interesting one—of the *femme incomprise*. The Members of the Government had been a great deal misunderstood. The First Lord of the Admiralty made a speech which he had to tell them oftener than once had been entirely misunderstood. The Home Secretary had also been entirely misunderstood as to the objects of this Bill, and its attitude to the Act of 1872. He would take the liberty of telling the right hon. Gentleman that he had been misunderstood with advantage, because if the Government had not been misunderstood, he (Sir William Harcourt) ventured to say they would not be sitting where they now were. The misunderstanding would probably never have taken place if the right hon. Gentleman, who had always been an influen-

tial Member of that House, had said what he said to-night in 1873. Why did not he and the Gentlemen who sat around him tell them in 1873 that the Act of 1872 was a useful and beneficial measure, and that the restriction of the hours was good? and why were not they in their places to help—not the House, but the country to which they belonged—to avoid the defects that they were told this Bill was now to remedy? The right hon. Gentleman was silent on the subject, and it was a politic silence, and a silence that had been richly rewarded. He (Sir William Harcourt) ventured to observe that one of the great advantages of a change of Government was that the Government that came in followed in the line of the Government that went out. That was well, for they changed the Governments on an average every three years—a good average, which he hoped would be continued. The Governments that came followed the same policy with a few distinctions. Like physicians, they might prescribe coloured water or camomile tea: but their more important drugs were always the same. And so the Home Secretary of a great party, the allies of the publicans—"No!"—well, he would put it, that the publicans were their allies—came forward and said that, with some small exception, his policy on the licensing question was identical with that of the late Government. [Mr. ASSHETON CROSS: No, no.] With some few small exceptions, yes. If not, he misunderstood the right hon. Gentleman. The Government had been always understood to be in favour of lengthening the hours. They were going to keep them at what was fixed by Lord Aberdare in the towns, and in the country districts they were going to make them shorter than in the Act of the late Government. [Mr. ASSHETON CROSS: No.] Then the right hon. Gentleman was misunderstood again. At present, as he (Sir William Harcourt) understood it, in all country places under 2,500 of population, the hour of closing public-houses was 11 o'clock, with the exception of 70 or 75 districts, where they had adopted the hour of 10. The proposal of the Government, as he understood it, was to make 10 universal in places of under 2,500 inhabitants. But the right hon. Gentleman said that they shortened the hours against his will. The right hon. Gentleman warned them most so-

lemnly as to how they should proceed, and he told them that the longer the hours the less the drunkenness; and the climax of his argument was, that in Oxford, where there was comparatively little drunkenness, the hours of closing were 11.30. But why, if that was the case, did a Government, with a majority of 50, shorten instead of lengthen the hours? Why, if there was less drunkenness where the public-houses closed at 11.30, did they compel the towns to adopt the hour of 11? What was the meaning of a Government that believed one thing, and did another—that forced one place to adopt 11, when 11.30 would be better, and another to adopt 10 when 11 would be better? What was the right hon. Gentleman going to do with Oxford? Oxford now closed at 11.30, and its drunkenness was of a most creditable kind. Well, but the right hon. Gentleman was going to force upon Oxford the hour of 11, and, according to his principle, was going to propagate the odious vice of private drunkenness. Why, if they were sober in Oxford, did they seek to make them less sober than they were? It was a most extraordinary proposition. But the right hon. Gentleman complained that he had been misunderstood. He (Sir William Harcourt) would tell him why. It was because in one of his former speeches about lengthening the hours he said nothing at all about class legislation. They heard nothing about the clubs of which they had been told that night. The right hon. Gentleman told them that he was going to lengthen the hours in the metropolis because people going down Pall Mall after the public-houses were closed would see the clubs open. Was he going to shut all the clubs at 12.30? Was drinking to cease in the Carlton at that hour? Was private drinking in the unlicensed house to be prohibited after that hour? If so, what was to become of hon. Members after a party division? In support of this proposal about class legislation the right hon. Gentleman read them the shocking case of Newport, and he told them that young men's clubs were formed and forming all over the country, where members drank as long as they pleased. The right hon. Gentleman accompanied that by a most pointed announcement that he was going to ask the House to arm the Government with powers to

put down those obnoxious practices. He (Sir William Harcourt) was against arming the Government with power to interfere with the people, and when the right hon. Gentleman asked them to put down young men's clubs in Newport, Isle of Wight, and elsewhere; he (Sir William Harcourt) asked him, was he to apply that power to clubs at the West End, to clubs in Pall Mall, and other clubs in the metropolis? and, if not, how he was to reconcile his practice with what he had said about class legislation? The right hon. Gentleman told them that he had made those proposals as to hours because it was a cowardly thing in the House of Commons to shrink from the duty of fixing the hours instead of leaving them to the discretion of the local magistrates. If it was cowardly of the last House of Commons to shrink from that duty, where was the right hon. Gentleman? He (Sir William Harcourt) wanted to know how it was that hon. Members opposite, who thought the House of Commons was guilty of a cowardly act, allowed the Act of 1872 to pass? He objected to the discretionary power in 1872, and not one of the hon. Gentlemen opposite would support him. He said that the House ought to fix the hours or leave them alone. But the matter did not stand now as it stood then. They had thrust upon other people the duty of doing what they would not do themselves. And what had happened? They had consulted the local authorities. They had, as it were, asked their friend for his advice, and they had gone and done the exact contrary of that which he recommended them to do. Well, that was neither civil nor complimentary. Whatever might be the disadvantages of the discretionary power to local authorities, it had this advantage—that it gave them a local verdict by those who were most competent to form an opinion of what was good for the district. They had taken the verdict, and he (Sir William Harcourt) wished to know why they wished to reject it. No doubt the great majority of towns had chosen the hour of 11. Oxford and others had chosen 11.30. But all the places had taken their own hours and had grown accustomed to them, and it seemed to him that the reasons were equally strong against disturbing those hours as they were strong against disturbing the hours in 1872. Why was the demand made

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change in the hours at all? Certainly the Home Secretary was quite in saying that he did not make the change at the request of the liquor trade. He repudiated the notion that he had done anything of the kind. (Sir William Harcourt) did not see that they had been very good friends. Now, so far as he had been able to understand the opinion of the trade, they did not wish any change of hours. He had with him that morning several deputations. One was from the Manchester Central Association of Brewers, and their spokesman authorized them to state to the House of Commons that the Manchester brewers did not want nor desire any change in the trading hours. He held in his hand a paper from another body of extensive trade—the Beer, Spirit, and Wine National Defence Association—whose Secretary authorized him to say that they desired no change in the hours. He also in his hand a paper signed by the Country Brewers' Association, and by reference they made to the fact that with the exception of a suggestion that public-houses should be open 'till clock in the morning was, that they would leave the whole matter of trading hours to the wisdom of the House of Commons. Having communicated, too, to those who represented the trade in Parliament, he was perfectly satisfied that all the trade wanted was to be left alone. He could not conceive, therefore, that the hon. Gentleman should have been content to let the question be decided alone altogether. The trade was satisfied with the results to them of the operation of the Act of 1872. It gave them a monopoly of a character they little expected. Those demands told him that the general effect of the Act of 1872 had been to raise the value of public-house property 30 per cent. Therefore the trade did not wish to disturb the arrangement, though he said they had hardly treated the matter that made it for them with the success that might have been expected. It would not help again putting to his hon. Friend the question, why not let the trade alone? The House was glad to be rejoicing in a *régime* of silence, and they were living under a government of silence and consideration.

Why was not the Home Secretary on this question? Why did

he not consider it a little longer before he touched it? They had been told that a Government, which had only been in Office for three months, could not be expected to undertake any important measures yet. The House had accepted this state of things with cheerful lassitude, and was grateful for the *dolce far niente* it enjoyed. Why therefore, disturb them by forcing upon them 11.30 instead of 11, or 11 instead of 10, and so on? Why should a Conservative Government make a revolution in that which greatly affected most people in this country—the hours of going to bed? Whose idea was this of the hours? He could not think it was the Home Secretary's. He had been so willing to cast the hours overboard—as if they were the Jonah of his ship—that he could not help thinking they were originally due to the pertinacious perseverance of the Under Secretary for the Home Department. He had been so long accustomed to have a Liquor Bill in charge that he was unhappy at the idea of a Session being allowed to pass over without one. The hon. Gentleman had become a kind of political yeast, and kept the House for ever in a state of continual alcoholic Parliamentary fermentation. If the Under Secretary and the Member for Carlisle (Sir Wilfrid Lawson) could only agree to strike a truce, and negotiate, at all events, a suspension of arms on the basis of the *uti possidetis*, Parliamentary life might again become endurable. The new proposals of the Government had no doubt removed many difficulties, and he would recommend the Government to leave the trading hours alone and go on to the other parts of the Bill. What was the testimony they had before them on the question of trading hours? The hon. Gentleman the Under Secretary told them that the Government had suggested the hours named in the Bill, from the information they had received in answer to a Circular addressed to clergymen, magistrates, and chiefs of police. He (Sir William Harcourt) ventured to ask that that information should be laid upon the Table, because he believed that the answers from mayors, magistrates, clergymen, and police were in favour of leaving things as they were. But the Under Secretary, with his great experience of Parliamentary practice and usage, said he could not lay that information on the

Table, because the relations of the police with the Government were of a confidential character. Why could he not lay the Papers before the House, when they related to a public question on which the Government professed to have based their conclusions upon that information? If the information given by the police was sufficient to satisfy the Government, it would surely have not less weight with the House as to the question of the hours which should be inserted in the Bill. The hon. Gentleman the Under Secretary further said, referring to the town of Gateshead, that the police complained of increased drunkenness arising from higher wages, fewer hours of labour, and, above all, street drinking and what was called "the bottle system." This statement so surprised the authorities of Gateshead that they caused a Return to be circulated, and this Return did not appear to accord with what the Under Secretary took to be the facts. The Return stated that the drinking in private houses had increased in Gateshead; but so far from ascribing this to the shortening of the hours during which public-houses were allowed to be open, the chief of police stated his opinion that the hours were well suited to the population. It appeared to him that as the Government, through the Under Secretary, had laid such stress upon those Papers, it really was very important they should have them laid upon the Table. The hon. Gentleman shook his head; but it was a principle laid down so long ago as the time of Mr. Canning that no Member should quote from documents unless he was prepared to produce them in the House. There was all the more necessity for that in this case, seeing that the chief constable of Halifax had repudiated the views attributed to him, and that the chief constable of Bradford, in reply to his right hon. Friend (Mr. W. E. Forster), had taken a similar course. He did not for one moment suppose that the Under Secretary intended to mislead the House in the slightest degree; but still, under the circumstances, it was very desirable, and even necessary, that they should have the original documents.

SIR HENRY SELWIN-IBBETSON wished to explain. The right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) had asked him in a former debate from what Papers he quoted. He

replied that it was from these Returns, and from a statement that had been circulated among hon. Members, upon which the hon. Member for Kendal (Mr. Whitwell) rose and called his attention to the fact that these Papers were answers to questions connected with Sunday drinking. What he said was, that as soon as he could he would produce the Papers. On refreshing his recollection the following morning, by reference to the Public Journals, he found that his impressions as to some of the Papers were not correct. He now saw that the Papers from Gateshead were not produced, and he could assure the hon. and learned Gentleman that if he had known that fact he should not have quoted them.

SIR WILLIAM HARCOURT said the hon. Gentleman had now very frankly stated that he was under an erroneous impression when he quoted from the Papers referred to; but even now he must press the question, why the other Papers were not produced, so that the House might know what were the opinions of the magistrates, the clergy, and chief constables as to the working of the shortened hours and the desirability or otherwise of extending them. But he would now go farther, and put the question on a broader ground than that of Parliamentary practice and precedent. He put the question on the ground that the Government, having shrunk from naming the hours, had thrown the difficulty of fixing them upon Parliament, while at the same time they kept back important information. If the House were to name the hours they ought to have the information. If they were called upon to do so, let them have the official Reports of the Mayors and the chief constables of police all over the country as to the working of the Act. If the Government thought it necessary to ask for that information, and then shrank from the responsibility of fixing the hours, but left it an open question for the Committee, they could not refuse to produce the information they had called for, and which they had in their possession. The Under Secretary was somewhat in the position of Balak, the son of Zippor, who put a certain question to Balaam. The hon. Gentleman had questioned his Balaam, and had proved himself superior in intelligence to the unenlightened Moabite, who did not

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It is necessary to treat the reply of the Government as a confidential communication. The great argument that was held in *terrorem* was that if the present hours were not lengthened there would be a terrible increase in public and private drinking. They told of the wicked conduct of the men at Newport, in the Isle of Wight, and other places, who had taken to drinking in unlicensed places. He was afraid that yesterday, upon Epsom Downs, for which they had taken a day, and even within the precincts of the House, there was a good deal of drinking in unlicensed places. But he did not know, whether no drinking was to be considered virtuous in future, or that which took place in public-houses? In the first place, it was not so far to define private drinking as a line at which it ought to stop; in the second place, unless thirsted at a particular period of the day, no fixing of hours for closing beer-houses would prevent people who were so disposed from drinking in their homes until their thirst was quenched and their appetite was appeased. In old times a man was not thought the less of because he enjoyed his glass at home with his family, which was not a licensed house, though he could nearly be charged with illicit drinking. But, again, he came to the question, why should the hours be altered? The hour of 11 o'clock had been very generally approved throughout the country. The chief objection at Newbury was another of the men who thought his views on the question of hours had been misrepresented. Apparently he had said something that unlicensed drinking had increased in Newbury, and some one attributed to him that he had charged this the shortening of hours, whereupon an gentleman addressed a letter to *The Times*, in which he said that the shortening of hours had, by universal testimony, been most beneficial. Such a circumstance as a number of working men had joined in purchasing a quantity of liquor at the last moment, and then returning to some private house and drinking intoxicated was as common as the passing of the Act of 1872 as it had been since, and if public-houses were allowed to remain open till midnight such cases would still happen. The curtailment of the hours of public

drinking had been the means of promoting the quiet of the town to a very remarkable extent, and it was his conviction that if the hours of opening were curtailed so that men could enter on their day's work free from the temptation to indulge in intoxicating liquor it would have the most beneficial effect. That was common sense. It seemed to him that considerable misapprehension existed on the part of the Government with reference to the effect of the Reports of the Mayors and of the Police on the subject of the increase of private drinking. The admittedly considerable increase in the amount of private drinking was occasioned, not, as the Government appeared to think, by the restriction of the hours during which public-houses might be kept open, but by persons having more money to spend upon drink. When the Home Secretary quoted the case of Halifax, the men there did not say that the increase of private drinking had anything to do with the shortening of hours, neither did the police of Gateshead or Newbury; and if hon. Members looked carefully at the other police Reports they would find they did not connect the two things together. Before sitting down he would say a few words upon the Amendment he had placed upon the Paper. The object of that Amendment had been no doubt partly met by the alterations made in the original proposal, which would have made a difference in every place in the country between the beer and public-houses. That difference would now, to a great extent, but not entirely, be remedied. The beer-houses were in the situation of the dog that got a bad name, and everybody wanted to hang him. They were now, however, a regenerated institution; they had been re-baptised by his hon. Friend the Under Secretary, who had purified them, placed them under the magistrates, raised their valuations, and had altogether changed their character; so that now there was no difference between beer-houses and public-houses, and, if there was, the difference as regarded convictions was in favour of the former. It had been said that they must give the licensed victualler a longer time to keep open his house because he supplied refreshment; but he (Sir William Harcourt) believed that that was an entire delusion. He had had inquiries made into that matter,

and he thought that if his hon. Friend the Under Secretary of State went to any gin-palace in London, and asked for a steak, instead of their giving him credit for the high and responsible position he held, they would set him down as a young man from the country unused to the ways of Londoners. He (Sir William Harcourt) had not made the investigation himself. He was not one of those who pursued drinking in public-houses; he pursued the illicit practice of private drinking in an unlicensed house which belonged to himself. He had not made himself personally acquainted with the habits of gin-palaces, but had employed persons upon whom he could rely to go round to these houses and order beef-steaks, but they could not get them. They had also asked for beds, and there were none of them to be had. The return he had received stated as follows:—"Went to house"—he would not give the name—"saw female, asked her for a beef-steak. 'Oh, no, we cannot provide you with that.' 'Can we have a chop, then?' 'We do not do that; you can get it at the dining-rooms over the way.'" And so the report went on. The men went to a large licensed victualler's and asked to be supplied with chops and steaks, and the reply was, "Oh, no; we do not do anything of the kind here; you can get them lower down, near the theatre;" and on going there they found it was a beer-house. It was an entire delusion to suppose that a beer-house was not an eating-house, and that a licensed victualler's was. The real truth was, that these gin-palaces were not eating-houses, but essentially the drinking-houses. The people who most frequented them were people who had lost their appetite. Therefore, to make a distinction between beer-houses and public-houses, because one was an eating place and the other was not, was to show entire ignorance of the habits of the two kinds of houses. He had been told by a gentleman from Manchester that the meetings of clubs and friendly societies in that city were held quite as much in beer-houses as in public-houses. Then, if that was so, why were the Government going to make a distinction at all between one and the other? [Mr. Cross was here understood to say that this point had been conceded.] If that was the case, then it was perfectly unnecessary he

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should go on to argue that part of the question. He did not seem to have appreciated the whole extent of the concession of his right hon. Friend. Reserving for the future the consideration how Oxford would be affected by the proposal, he could, in conclusion, only congratulate the right hon. Gentleman upon the understanding which had at length been arrived at, which had in no small degree surprised the House, and which would, perhaps, surprise the country a good deal more. He was not altogether astonished at it himself, however. In looking at the right hon. Gentleman at the head of the Government, all might see that the Prince Hal of Gad's Hill and Eastcheap was a very different man from King Henry V. The right hon. Gentleman had succeeded to the Throne, and he looked with a very different air upon the Bardolphs, Pistols, and Falstoffs, and even upon the hostess Dame Quickly, from that in which he had regarded them in his "sallet" days of Opposition. He could not help thinking what would be the feelings of the licensed victuallers to-morrow, when they found the right hon. Gentleman saying—

"Presume not, that I am the thing I was:
For Heaven doth know, so shall the world
perceive,
That I have turn'd away my former self:
So will I those that kept me company."

Those on the Opposition side of the House, however, in congratulating the right hon. Gentleman, might say—

"I like this fair proceeding of the King's:
He hath intent, his wonted followers
Shall all be very well provided for;
But all are banish'd, till their conversations
Appear more wise and modest to the world."

Mr. GREENE said, it had been his intention to second the Amendment of the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt), but the changes which the Government had introduced into the Bill had entirely destroyed the very eloquent speech he (Mr. Greene) had intended to make on the subject. He had felt that the distinction which the late Government had made between public and beer-houses was both unfair and illogical, and he congratulated Her Majesty's Government that they had been able to see their way to placing both classes of houses upon the same footing. He, however, still thought that Her

Majesty's Government had better have left the question of the hours of closing untouched, seeing how great a diversity of opinion existed on the subject. In the part of the country where he resided the house should be opened at 5 o'clock in the morning, and if they were to be closed till 6 the agricultural labourers would be unable to obtain their beer before going to work. His hon. and learned Friend had twitted the Home Secretary with having derived considerable advantage from the support of the publican interest, and had now rather turned round upon them. He (Mr. Stansfeld) had never heard that the country had much fault with the Act of 1872. Whenever he had endeavoured in public to damage the late Government as much as he could, he had never used any unflattering argument about that Act. There were certain provisions, such as the extension of licences, which were objectionable to the publicans; but, on the whole, they did not object to the Act. What they did object to, and what they would not forget, was the Bill of Mr. Bruce, with the 10 years' clause, which was gradually to extinguish them in their trade. It reminded him of the story of the Quaker, who said—“Friend, I will not kill thee, but I will hold thy head under water until it takes thy breath away.” The publicans had seen that the legislation of the late Government tended to disregard the rights of property, and the culminating point came when they put their finger into a snail's nest. No man could get up in that House and deny that the proposition of Mr. Bruce's Bill was one of confiscation. With regard to the hours of closing, he quite agreed with the Home Secretary that if they were over-strict there would be a revulsion the other way. In his neighbourhood there were 100 parishes and but one public-house, and that was at last shut up by the landowner. This went on for some time, until it was found that drinking was increasing or other going on, and the owner could not understand it. He caused investigation to be made, when it was discovered that there were 16 different people selling beer and spirits without a licence. The landowner had since then built a house, under his own control, in every parish belonging to him. That was an illustration that, if they drew the line too tight, they would

have illicit drinking. Now that justice seemed to be done to beer-houses, he hoped that the Bill would be more satisfactory to all parties, and to that end he should give it his cordial support.

MR. MELLIS said, that as the Government had undertaken to make the concession as to uniform treatment of all licensed houses claimed by his hon. and learned Friend the Member for Oxford and himself, and also to abandon their proposal to lengthen the hours, and as they had thus expressed their willingness to accept both halves of the Amendment which he himself had moved, with the view of preventing any increase of facilities for intoxication, and putting beer-houses and spirits on the same footing, he thought the best course for the House to pursue would be to proceed to devote themselves in Committee to carrying the Bill into law. The right hon. Gentleman the Home Secretary had asked why, if such objections were entertained to the Bill, it had not been opposed and rejected on the second reading. His answer to that inquiry was very simple. He and those acting with him had such faith, that when the proposed extension of hours for keeping open spirit-houses was thoroughly understood, there would come forth such an expression of opinion from the magistrates, police, clergy, and the population generally, as would cause the Government to withdraw what might be called a mistaken proposition. He regretted that the right hon. Gentleman should consider that his opening statement in introducing this Bill had been misunderstood or misrepresented; and so far as he was concerned, he disclaimed having done either the one or the other. The vital point in the Bill was the question of hours. It was not how great should be the penalty wherewith to punish the publican, or what security they would give the publican for his house, or by what authority licences were to be granted; but how long—for how many hours—the houses were to remain open, and the publican obliged to remain up during the night and whether the beer-house keeper was thus to be placed at a disadvantage. As the measure was introduced, it proposed to increase the number of hours; but, as he understood the Home Secretary, there would be express provisions introduced, not only preventing any extension, but as regarded

the rural districts, curtailing the hours of spirit-houses by one hour. He was quite prepared to consider the clauses of the Bill in Committee, and he should throw no obstacle in the way of the Bill, which, he thought, with the promised alterations, would be an eminently amending measure. On the second reading he (Mr. Melly) had pointed out its principal demerits. The Home Secretary had conceded almost all he then asked, and he became a supporter of the new measure now before the House.

MR. LAIRD said, he had placed several Amendments on the Paper as to the hours of opening and closing public-houses in large towns. After the statement of his right hon. Friend the Home Secretary, it would not be necessary to submit to the Committee those which referred to the hours of closing. He hoped a favourable consideration would be given to his remaining Amendment, which was to the effect that in municipal boroughs or Improvement Act districts, containing a population of 20,000 or upwards, houses licensed for the sale of intoxicating liquors by retail should be kept closed on week-days until 7 o'clock in the morning. He had received a great number of communications, begging him to secure the hour he had named for the places which now had them, and for others where they desired the houses not to be open earlier than 7 in the morning.

MR. PEASE said, that as the Government had given Notice, through the Home Secretary, of many changes with regard to the hours in the Bill, and as they had consented to accept clauses and to consider Amendments—all of which were matters seriously affecting the scope of the Bill—he suggested that they should not proceed further that evening. The changes suggested by the Government had not been placed on the Paper, and they found themselves in an awkward situation. If they now went into Committee they would do so blindfold. He thought a great deal of time would be saved if the Bill were reprinted. He therefore suggested to the right hon. Gentleman the Home Secretary that with that view they should go into Committee *pro forma*, and have Progress reported. They would then see what Amendments had been adopted, and what remained. This suggestion he made without any

Mr. Melly

desire to do anything but aid the Government in passing a good Bill, and he trusted it would be adopted.

MR. WYKEHAM MARTIN said, he hoped the Government would reconsider the point which bore upon closing houses at 10 o'clock in country villages. Such an arrangement would naturally interfere with the comforts of agricultural labourers working allotments, and who at this time of the year remained at work until 9.30. When he ceased labour he had his glass of beer, and went to bed early. If the public-houses or beer-houses were closed at 10, he could not reach there from his allotment task.

MR. LOWE said, he thought the position in which the House was placed was rather a peculiar one, because all on this side of the House understood this Bill to be one which was intended to lengthen the hours, but it was now turned into one which would shorten them. The House was also not well informed how they stood. The hon. Member for Stirling (Mr. Melly) had just said, without any mark of disapprobation from either side, that he understood beer-houses and public-houses were to be placed on the same footing as to hours all over the country. He understood himself that the right hon. Gentleman made the same statement; but he did not agree with the details that he had stated, because, as he (Mr. Lowe) had understood, it was his intention that the hours in London should be 12.30 for public-houses, and 12 o'clock for beer-houses.

MR. ASSHETON CROSS: The right hon. Gentleman has misunderstood me. What I said was that the hours throughout the country for public-houses and beer-houses would be uniform—namely, 12.30 in the metropolis, 11 o'clock in the towns, and 10 in the country.

MR. LOWE: That was an instance of what he was saying, for none of them had understood that to be the proposition. He was not inclined to say anything to impede the Government, but he would put this to them—They were going to strike out the 2nd clause, and to introduce other changes which he had not yet understood; these Amendments, every word of which might be of enormous importance, were not before the House, and with every wish to help right hon. Gentlemen opposite to carry out this measure he must say he had been very much struck with the remarks

had made of censure upon the late amendment for having hurried their own hastily through the House. If the amendment would consider the entire of front which they had thought necessary to make they would see that was asking nothing unreasonable. He asked them to consider whether it would not be actually better for the result of the measure if they were to go to the suggestion of his hon. friend (Mr. Pease) and go into Committee *pro forma*, giving the House time to consider the exact Amendments upon the Bill. Another reason for this course was that the House had not before it the results of the heads of constabulary throughout the country. In reply to the questions from the Home Office respecting the working of the Act of 1872, those Reports had been obtained from the Home Secretary. A Minister is not right to influence the mind of the House by quoting documents on which he put a particular construction unless he said them before the House, for a different construction might be placed upon them. That was a clear axiom of elementary practice. He could not think that when they considered the Government might think it right to lay the Papers before the House. It was said that to publish these Reports would be a breach of confidence, but that could be easily overcome by withholding the names. All they required was to see the information communicated by the police authorities. He was quite sure that nothing would be gained by proceeding with the Bill; and if the Government would make these marvellous changes and amendments they must not blame the House for not quite following them.

MR. GATHORNE HARDY said, he thought hon. Members could have no objection, because, as his right hon. friend (Mr. Cross) had said, the changes proposed were already expressed in shape or another in the Amendments already on the Paper. He had stated some of those Amendments, which would come on in due form, and which had already been for a long time under the consideration of hon. Members. As to the production of documents, notice of Motion had been given for an early day by a right hon. Gentleman (Mr. Goschen), and the Government were not prepared to postpone the

progress of the Bill till such time as he could bring on that Motion.

SIR HARCOURT JOHNSTONE said, he was glad to hear the alterations proposed in the Bill by the Government. The police reports relative to the Act of 1872 were in general favourable to it. Out of 127 Returns, 118 described the results of the Act as favourable, while none of them had spoken of them as unfavourable. He wanted a further restriction of the hours, and not any increase of them. Looking at what had been urged by the advocates of the licensed victuallers on the one hand and by those of restriction on the other, he could not but think it desirable that the endless disputes which had taken place all over the Kingdom should be determined in the House of Commons; and though he was reluctant to give up the advantages of local control, he thought it best, both in the interests of the trade and of good government, that the Government should settle the hours themselves. He thought the Liberal party must take some credit to themselves for the settlement of the hours for country towns and rural districts at 10 and 11. They had been so well backed up by country Gentlemen on the Conservative side, that they had got those hours from the Government. In this the Government had shown themselves not insensible to public opinion. The Bill, as originally brought in, was—he would not say an outrage, for that was an offensive expression—but a violation of or rather it would be safer to say, directly contrary to public opinion; and considering that the Government had come in with a majority of 50, and might have carried any Bill they chose, he was surprised they should, in the face of the clergy, the magistrates, the police, and a host of disinterested advisers, have brought in such a measure. However, he was not disposed to flog a dead horse. He was thankful for what the Government had done for the country, though he should have preferred their adhesion to 12 as the hour for closing in London. He was not going to quarrel with them about that, however, nor to divide the House upon it in Committee. He wished now to express his regret that the right hon. Gentleman should have referred to working men's clubs as being dangerous institutions. It was his experience of them during many years

that they had been, in very many localities, the best antidote to excessive drinking in public-houses; for where they existed it was found that they did not conduce to drunkenness, but that, on the contrary, cases of drunkenness were rare. He hoped, therefore, the right hon. Gentleman would not throw the weight of his influence into the scale against clubs. There were cases where the Government had very properly prosecuted clubs which were not really clubs. As a whole, he could assure the right hon. Gentleman that these institutions had done good, and that in some instances some of the lowest public-houses and dram-shops had been deserted for them with very good results. The opposition the Act of 1872 had received at some places was easy to be understood. The publicans anticipated reduced profits, which anticipation had not, however, been realized; and their trade organizations had stimulated, and unduly excited the trade itself against Mr. Bruce's Bill. The right hon. Gentleman instanced Hull as a place where there had been more drinking and earlier closing, and attributed the drinking to the earlier closing; but, in Hull, there was a mixed population of Swedes, Norwegians, and other foreigners, and the magistrates had fixed the hour for closing exceptionally early, at the desire of the town itself. Had the hours been later, the drunkenness would have been infinitely greater. On the whole, he thought the right hon. Gentleman had taken a sensible view of the subject. He thought, also, he had shown a disposition to conciliate the House, and it was some satisfaction to those on the Opposition side of the House to know that they had modified a measure, and brought it more in harmony with the feelings of the country.

Mr. JAMES said, he hoped that the hours would be left untouched. He thought the House ought not to proceed further with the measure until the Police Returns were before them. In his opinion, it would be desirable to refer the Bill to a Select Committee.

Mr. J. G. TALBOT said, he hoped the Government would not consent to refer the Bill to a Select Committee for the sake of the Police Returns, as they related to but one matter that was before the House, and that had been the subject of great discussion. He thought

the conclusion which the right hon. Gentleman had just announced to the House, and in which he was sure the House would support him, had long since been arrived at out-of-doors. He did not think any case had been made out for referring the Bill to a Committee, and unless a strong case for the purpose were made out he did not think it desirable it should be done. They had happily been spared much agitation on the subject, and both the Government and the public had acted reasonably in reference to it.

Mr. GOSCHEN observed that the Opposition Members of the House were prepared to carry forward this portion of the Bill in accordance with the views expressed on the part of the Government, and without offering anything like factious opposition to it. They had not been disposed to be factious, though they would have been perfectly justified in giving Notice for that day that they could not go into Committee on the Bill without having before them the evidence of the chief constables. That course would have been perfectly justifiable, and he mentioned it to show that they did not wish to embarrass the action of the Government, provided they could show to the House that it was in a position to go into Committee on the Bill with the clauses now before them. There were, however, some technical difficulties, but which perhaps the Government could show did not really exist. The right hon. Gentleman the Secretary of State for War said that the House had before it every Amendment in some form or other. He should like to know, however, whether there was one extending the hours for closing beer-houses from 12 to 12.30.

Mr. ASSHETON CROSS said, that the hon. and learned Member for Oxford (Sir William Harcourt) had given Notice of an Amendment for that purpose.

Mr. SPEAKER said, no clause of the Bill could be discussed in detail at its present stage.

Mr. GOSCHEN said, his hon. and learned Friend had withdrawn his Amendment previous to going into Committee, and it was doubtful whether he would have proposed an extension limited to the metropolis.

Mr. ASSHETON CROSS said, the hon. and learned Gentleman had an

ment on Clause 2 for treating
as like public-houses.

GOSCHEN said, as Clause 2
be withdrawn, all the Amend-
s-ferring to it must fall to the

That was a technical difficulty,
could not see how they could
a question that was not before
Hon. Members on his side of
se had no desire whatever to
as the Government, because it
er for the licensed victuallers
es to have the question settled
as possible, and he, for one,
elp them in every possible way.

MILLWYN said, he wished the
n. Gentleman would consent to
e Bill re-committed. For his
t, he did not exactly know what
osed alterations were to be, and
ght to have the Bill completed
overnment before they went into
ee. It was one for revising the
nd should therefore be finished
d before going into Committee.

FRANCIS GOLDSMID said, he
had had 14 years' experience of
se, and had never known an in-
a which a Bill of so much im-
had been completely re-modelled
second reading without being
ed *pro forma* and reprinted. He
sure the right hon. Gentleman
etary of State for the Home De-
t that he was mistaken in saying
clause was objected to but that
lated to the hours.

ASSHETON said, the changes
ed by the Government, which
l in the right direction, were
sters of detail, such as altering
m. to 11 P.M., and 11 P.M. to

Surely they were perfectly pre-
go into Committee at once on
tails?

WALTER said, he thought the
bility of deciding whether they
go into Committee at that part-
ment must rest with the Govern-
Considering that the provisions
ill as now settled by the Govern-
appeared to be in the main accept-
the House, if the Government
tified in their own minds that
embers on both sides were per-
pable of comprehending the im-
bearing of the Amendments he
not object to go into Committee;
the other hand, he should be more
if he saw the latest ideas of the

Government in black and white, and if
with that view, the Committee were ad-
journing for a few days. He believed
the proposals of the Government would
be extremely well received by the coun-
try; but, for the sake even of despatch, he
thought it desirable that the proposal of
his hon. Friend (Mr. Pease) should be
adopted.

MR. NORWOOD said, he did not
understand the Bill as it related to the
hour of opening, or whether it should
be 7 and not 6 o'clock on week days. In
the borough which he had the honour to
represent (Kingston-on-Hull), the hours
were from 7 to 10.30; and, for his own
part, he should certainly support the
Motion for an Adjournment.

SIR CHARLES RUSSELL expressed
a hope that the House and the Govern-
ment would persevere in having the Bill
sent into Committee, for the sooner the
whole question was settled the better.

MR. CHILDERS reminded the right
hon. Gentleman the Secretary for the
Home Department that to Clause 2
there were three pages of Amendments,
and from 40 to 50 of them referred to
the question of hours. If that clause,
therefore, were omitted, all these Amend-
ments would go for nothing, and his
hon. and learned Friend the Member
for Oxford (Sir William Harcourt) would
not be able to propose an important one
now on the Paper. He thought the
course to be taken was a most unusual
one. Government ought to be content
with having the Bill committed *pro
forma*, which would give them the oppor-
tunity of having it reprinted with the
Amendments they now proposed.

MR. ASSHETON CROSS said, he
was ready to take Clause 2 as it stood,
with all the Amendments on the Paper;
but much the simpler plan would be to
pass over this clause for the present,
and to make the Amendments suggested
on Clause 3. Government did not pro-
pose any Amendments, but simply ac-
cepted such Amendments as recom-
mended themselves to their approval.

Motion, "That Mr. Speaker do now
leave the Chair," *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Preamble *postponed*.

Preliminary.

Clause 1 (Construction and short title
of Act) *agreed to*.

Hours of Closing.

Clause 2 (Hours of closing public-houses.)

MR. ASSHETON CROSS said, that his only reason for proposing to pass to Clause 3 was to save time; but if hon. Members preferred to go to Clause 2, the Government would accept the Amendments which would carry out their views.

SIR WILLIAM HARCOURT said, that the regular course was to go through a clause and consider the Amendments, and this must be done before a Motion could be put to strike out the clause.

MR. PEASE, who had the following Amendment on the Paper, in page 1, line 14, before "premises," to insert—"subject to the provisions of the principal Act with respect to the alterations of closing hours," said, he considered that the concession just made by the Home Secretary to suit the hours to the wants of the localities was, so far, in accordance with the object he had in view, that he would therefore not press his Amendment.

MR. MELLY moved in page 1, line 14, before "premises," to insert "all." The clause would then enact that the hours of closing public-houses should apply to "all" premises "in respect of which a licence is granted."

MR. CHILDERS asked what would be the effect of this Amendment on grocers' licences?

MR. ASSHETON CROSS replied that it would apply as much to them as to public-houses and beer-houses, as they were licensed for the sale of intoxicating liquors by retail.

Amendment agreed to.

SIR WILLIAM HARCOURT moved in page 1, line 14, to leave out after "premises" to "public-houses," in line 16, and to insert "premises licensed for the sale of intoxicating liquors by retail shall be closed as follows; (that is to say)."

Amendment agreed to.

MR. FORSYTH moved an Amendment to the effect that in London the hour of closing all public-houses on week-days should be midnight, instead of giving another half hour as had been proposed by the Government. The hon. Member said, he should be extremely

sorry to place himself in opposition to the Government, but happily there was no need to do this, for the Home Secretary had told them that the hours would be fixed by the wisdom of the House. He hoped to satisfy the Home Secretary of the non-expediency of extending the hours in the metropolis from 12 to 12.30. The population of the metropolis was larger than that of Scotland; therefore, in point of fact, the House was legislating for the population of a kingdom, and he hoped the utmost care would be exercised. He supposed that not three Members of the House would say that they did not wish the hour to remain at 12 o'clock, as at present. There were some people who thought that London should have an extension in time for the sake of those who went to theatres, and other places of amusement. He did not agree with them. But supposing it could be shown that they were right, what reason was there why the whole of the metropolis should be subjected to a change which both the public and the publicans did not desire? If London required special legislation because of theatres, why should not Liverpool, and Manchester, and Glasgow, each of which had several theatres, also require special legislation? He did not think that theatre-goers were so much in need of outside refreshments as had been suggested. He had never been in a theatre in his life without finding in the theatre itself whatever refreshment he wanted. There was plenty of Bass and Allsopp, and whisky and gin for those who needed them, and plenty of tea and coffee for teetotallers. In the next place, it would be found that far the greater majority of those who went to the theatres did not go to the public-houses, and that of those who were found in public-houses after the theatres closed, the majority were those who had not been in theatres at all. He could therefore see no necessity for special legislation even within a certain radius from the theatres. They ought not, when they were dealing with a population of 3,000,000, or 4,000,000, to pass an Act which would only accommodate a very small proportion of that population. At all events, he thought there should be a limit drawn—say, a mile or a mile and a-half from Drury Lane, or any other central point—and that beyond that limit the public-

houses of the metropolis should close at 12 o'clock. What was the feeling out-of-doors on this question? Some time ago he put upon the Paper an Amendment such as he was pressing now, and since he put that Amendment on the Paper—an Amendment curtailing the hour of closing till 12—he had only had one letter from a single individual objecting to it. That individual said that he had been very much disappointed in the Member for Marylebone, and that if he pressed his Amendment he would repent of it. The change, in short, was not desired and would be pernicious. He believed there existed in the public mind a strong feeling that midnight was quite late enough for drinking to go on in public-houses, and that by extending the hours for drinking a temptation to drunkenness was created. Scotland's greatest Poet wrote words which were appropriate to the view he was taking, when he said—

"See social life and glee sit down
All joyous and unthinking,
Till quite transmogrified they're grown
Debauchery and drinking."

Taking another view of the subject, he would say with confidence that the publicans themselves were in favour of his proposal, for it was well known that drunken men were the licensed victuallers' worst enemies, in that they lowered the character of the public-houses, drove away respectable customers, and imperilled the licences. He therefore moved his Amendment, and asked, with confidence, the Committee to pass it.

Amendment proposed, in page 1, line 22, to leave out the words "half an hour after."—(*Mr. Forsyth.*)

MR. CHILDERS asked the Under Home Secretary if he could tell the House how many public-houses and beer-houses were now open in London after 12; and how many would be kept open until 12.30 if that hour were adopted?

SIR HENRY SELWIN-IBBETSON said, that at present there were 129 houses open till 12.15. He would answer shortly the remaining part of the Question.

MR. MELLY said, he could save the hon. Gentleman the trouble. 5,341 public-houses were closed at 12 o'clock, and 2,791 beer-houses, making a total of 8,132 which would be open half-an-

hour longer than now; 135 houses now were open after that hour by exemption. If all the houses were open the fact would be in accordance with these figures.

MR. BOORD, in supporting the Amendment, said, the licensed victuallers of Greenwich did not desire any change in the hours. The only persons who claimed an extension of the hours were those few people who wished to go to public-houses after leaving the theatres.

MR. PEASE said, from the statement they had heard, the Home Secretary's argument for the extension of hours in the metropolis answered itself. The police had reported that the exempted public-houses open after 12 o'clock were used not by those who went to theatres, but by those who had not been to theatres at all, and had been turned out of the houses which closed at midnight. He (Mr. Pease) believed that working men's clubs had the effect of taking men away from the public-house, and that in these clubs they acquired a proper self-respect and came to look on drunkenness as a disgrace. Another advantage to them was that they placed no temptation before the members unnecessarily to drink. The publicans of the metropolis did not ask for 12.30, and the extension of the period of drinking to that time would only increase the vice, misery, and crime of London.

SIR CHARLES RUSSELL, on the other hand, trusted that it would not be assumed that the publicans were not anxious that the hours for closing should be extended. Besides the visitors to the theatres, there were large numbers of persons, such as scene shifters, who were engaged at work in the theatres, and who required refreshment when their work was over. He could assure the House that there had been a considerable demand for an extension of the hours in the borough which he had the honour to represent (Westminster).

MR. MELLY asked if the demand which he said had been made had been made openly? [SIR CHARLES RUSSELL: Yes.] If it had, it had not been made to the House of Commons. No Petition had been presented in that sense, and 10 of the Metropolitan Members would support midnight as the closing hour. There were three sets of persons who had to be taken into consideration in de-

ciding upon this matter—the respectable classes, the disorderly classes, and the ratepayers. As regarded the respectable classes, he would say that there was no hour which could be fixed but would entail hardship. There were the people who brought flowers and fruit to the metropolis, and who needed refreshments all night. The leading thoroughfares were fragrant with violets at one season, and strawberries at another. The vast numbers of respectable men engaged in finding them their luxuries should be considered. There were others whose occupation was not so savoury—the night-soil men. [*Laughter.*] Hon. Gentlemen might laugh, but these men, who earned their living in an honourable way, had as much right to be considered as any other class; they earned a fair day's wage by a hard night's work. There were printers by the hundred, and whole newspaper staffs, and all these would be sufferers whatever hour was fixed. What claim had the disorderly classes upon the House? Who were they? The ladies of the Haymarket and Regent Street and their friends—all that was most ruffianly, immoral, and disorderly. That section of London disgraced England. Why give it another half-hour? Ask the police. Consult the hon. and learned Member for Marylebone (Mr. Forsyth), with whom he (Mr. Melly) would vote. He now came to the question of the ratepayers who paid the police. The first duty of the police was to protect their property; to attend to unfastened doors and windows; to watch shops; to give notice of fires—these were matters which affected all, to which all willingly paid. Yet, while public-houses were open at night, a large number of police were, instead of attending to this duty, occupied in taking drunken persons from public-houses on stretchers to the station. He, therefore, contended that the ratepayers had a right to complain of the police being occupied in this duty a moment longer than necessary, instead of looking after their property. Then, with respect to the placing of night houses under the strict surveillance of the police, he must say that he thought the course a wise proceeding on the part of the right hon. Gentleman the Home Secretary; but at the very time that he was doing this he was, by extending the hour from 12

o'clock to 12.30 to public-houses generally, prejudicing his intentions with regard to those night houses, for he gave them an opportunity of remaining open until 12.30 as well as the great body of the licensed houses in the metropolis. After referring to the decision of Mr. Newton in reference to these night houses, which he (Mr. Melly) contended did not apply to the point at issue, the hon. Member asked his hon. Friends who represented the provinces if they would support this extension of the hours to the London licensed victuallers when it was determined under the Bill that in such towns as Birmingham and Liverpool public-houses were to be closed at 11 o'clock. He could not understand why an additional hour and a-half should be given to licensed houses in the metropolis. This was another metropolitan job. People already said in the country that because they lived here six months they seemed to think London was not only the centre of, but also the whole country. All the great provincial cities of 200,000 and 300,000 inhabitants were content with 11 P.M. as the hour at which disorder was to end, and peace and quiet to commence. To please 455 publicans out of 5,300, would the Committee open 8,300 spirit and beer-houses for another half-hour? He appealed to the Members for every English borough to refuse to be a party to this iniquitous job.

Mr. HERMON said, that the real cause of the discontent among the licensed victuallers of London was that certain exclusive privileges were given to about 129 houses in the metropolis, and he thought that if the Government had simply brought in a Bill abolishing those privileges, the licensed victuallers of London generally would have been satisfied. But it was said that the closing of the houses at 12 o'clock was hard upon persons engaged in theatres. Why, the same argument would apply to composers connected with newspapers, and other persons engaged at night employment. He had no doubt that if the Amendment moved by the hon. and learned Member for Marylebone (Mr. Forsyth) was carried, the persons employed in theatres or on newspapers, and the like, would devise some means by which their wants would be supplied. He would also suggest that the theatres should close half-an-hour earlier, which

Mr. Melly

would greatly facilitate matters in this respect.

SIR JOHN KENNAWAY considered that the evil with which they had to deal in the metropolis was allowing the few houses referred to to remain open to the state. He thought that while the owners of the 8,000 licensed houses in London were content with 12 o'clock closing the closing hour, that hour should be extended simply because an exception had been made with regard to a certain number of houses in the metropolis. Then, as regarded the theatres, it was given to understand that the managers were now in the habit of giving the performances at those places of public amusement to a close half-an-hour earlier than heretofore. Then, with reference to this extension of the hour proposed by the Bill to keep public-houses open, he was assured by Sir Rowell Buxton that when he was a candidate at the last Election for Westminster he was never asked by the licensed victuallers of that city to extend the hour of closing at night from 12 to 12.30. He might add that when Birmingham and Liverpool and other great towns were content with having 11 o'clock as the hour at which licensed houses in those towns should be closed, it was really too much for them to give to licensed houses in London the privilege of being open until 12.30. He had been told by the hon. Member for Greenwich (Mr. Boord) that both he and his constituents were strongly against the proposal of the increased half-hour. Many quiet houses in the metropolis wished to shut at 12 o'clock; and if, as he believed would be the case if the Bill passed, they were compelled to keep open up to 12.30, it would be felt as a very great hardship. If the Home Secretary would say that the hours in London were to be as at present, and at the same time do away with all exemptions as to special houses remaining open after 12, he believed it would fully meet public feeling and public convenience.

MR. HOLMS wished to say a very few words on this particular subject. As the Representative of one of the largest metropolitan constituencies (Hackney), he must state that neither during his canvass before the late election nor since his return had he heard one single word from any of his constituents as to the extension of the hours to 12.30. He thought

it was but fair to make that statement, and to show that his constituents, at all events, were not in favour of any extension beyond the present hour of 12 o'clock.

MR. WATNEY remarked that it was not only the wishes and the convenience of the publicans which the House had to consider, but the convenience of the public at large. Looking at the occupations of large classes of persons in the metropolis, a general shutting up of public-houses at 12 o'clock was quite absurd. Whatever might be the case with regard to the country, it could not be said that the hours named in the Bill for the metropolis were too long; and whatever might be said in favour of uniformity of closing, he trusted that the House would make an exception in the case of the metropolis, in consideration of its peculiar and exceptional position.

MR. SAMUDA felt bound, as a Representative of a large metropolitan constituency (Tower Hamlets) to add his voice to that of the hon. Member for the borough of Hackney, and to state that he had not, since the introduction of the Bill, heard one word from his constituents in favour of the proposed extension, although his borough was one from which a favourable opinion might have been expected. At the last Election, although it was known that he was in favour of the restriction of drinking as much as possible, a deputation came to him and most distinctly assured him that there was no wish whatever to have the assistance of the Conservative party to extend or alter the hours fixed by the existing Act, all that was wanted being an assimilation of the hours in different localities, so that one publican might not have an advantage over another. It appeared to him that they were working away from the object which they all had in view when they went beyond the hours which were generally allowed to have been successful in practice throughout the metropolis. Experience was the best test that could be applied in such cases, and relying on that experience he contended that limitation of hours and not the increase or extension of facilities for drinking was the course the Committee ought to pursue.

MR. RITCHIE wished simply to corroborate the statement which had been made by his hon. Colleague (Mr. Samuda). He had not the slightest hesitation or re-

servation in declaring that neither during the course of his candidature at the election, nor before nor since, had a single representation been made to him that the publicans wanted an extension of the hours, and he believed it would not be satisfactory either to the trade or to the public if the hours were to be altered. The only remonstrance as to the hours of closing was against what was considered the absurd exemption of a few houses in the centre of the metropolis from the uniform hour. These houses were placed within a very small circle, and they were not only allowed but compelled to keep open ostensibly for the convenience of people who were employed at theatres and in other night occupations. The remedy for that was that the theatres should close earlier. They had heard much about the inconvenience of early closing to persons employed at the theatres and in other occupations; but they ought also to take into consideration the convenience of those who were employed in public-houses and the proprietors of those houses, who did not wish to keep open to such late hours. The provision by which the Home Secretary proposed to allow publicans to close earlier with a special licence, would to some extent meet that objection; but unless there was a general uniformity there would always be dissatisfaction. And then, again, in extending the hours to 12.30 to meet the wants of those employed at theatres, &c., it must be remembered that it was proposed to apply this throughout the entire metropolitan district, so that publicans, many miles from any theatre, would be compelled to keep their houses open until 12.30. What was required was not an extension of the hours, but uniformity of closing. What, for instance, could be more unsatisfactory than to find at Stratford, on one side of Bow Bridge, houses were closed at a particular time, while on the other they were open an hour and a-half later? He should vote in favour of general closing at 12 o'clock, as sufficient time for houses to be kept open, and oppose any further extension, as against public interest and public morality.

MR. W. M'ARTHUR wished simply to add his testimony to that of his hon. Friends the Members for Hackney and the Tower Hamlets. He represented a constituency (Lambeth) of 50,000 electors. He had not had a single repre-

sentation made to him in favour of an extension of the hours, and he believed that it was the last half-hour which did the most mischief in these houses. He should therefore, in the interest of his constituents, vote against the extension.

MR. GRANTHAM said, he represented a large district of the metropolis which was included within the eastern division of Surrey, and fully concurred in the remarks of the hon. Member for the Tower Hamlets (Mr. Ritchie). At the same time he could not but regret his inability to support the Government on this clause, for he felt that not only that House, but the country at large, owed a deep debt of gratitude to the Home Secretary for the great pains and trouble he had taken in preparing the Bill which he had introduced to meet the requirements of the country, and for the fair way in which he had endeavoured to solve this difficult problem. He believed, however, that his constituents would not be benefited by the provisions of the Bill with regard to the hours of closing, but that the evils now existing of rival houses in close proximity being subject to different laws would be increased. In a particular zone in the metropolis people did, no doubt, move about later in the night than they did in other districts. It was not only that people went to the theatres for pleasure, but there were a large number employed all night in the various printing establishments, and other places where night work was carried on. All this, however, was in the centre, as it were, of London, and it would be desirable—if it could be so arranged for the public convenience—that in a small zone the houses should be allowed to be open for an extra half-hour, or even more. But in a very large portion of London no such requirement existed; and here it was he thought, that an error had been made by those who had prepared this Bill. They had assumed that one law would meet the necessities of the whole of the metropolis. London comprised a great many districts, each of which had different views and characteristics, and he thought that the regulations which applied to large towns were more applicable to the greater part of those districts than the regulations for the metropolis. There were many suburban places included in the district of the Metropolitan Board of Works

Mr. Ritchie

where there were no shops, and no trading carried on, and where few, if any, wanted late hours or later than 11 o'clock. In some parts of Norwood, for instance, there were none; and yet in one street in that suburb there were two first-class public-houses within a few feet of each other, one of which closed at 11 and the other at 12 o'clock. That was only one of very many instances to be found all round the large circumference of what was called the metropolis, and yet the present clause intensified that evil, for the difference would be between 11 and 12.30 instead of 11 and 12. Even in the suburbs where there were shops they were not such as those of Fleet Street and the Strand, where people were about late at night, and where there was a great deal of traffic. It would be almost impossible to fix any boundary without doing some injustice; but he thought some smaller zone might be decided upon—bounded, say, by the river on the South, and including Fleet Street, the Strand, and perhaps Oxford Street, on the North, and a somewhat similar zone on the south of the river, where the hours should be extended, but beyond this district let them not, at any rate, do so. He would have supported any such proposition as that; but when he was called upon to vote for a particular clause which would affect the whole of the metropolis in the way he had described, he had no hesitation whatever in saying that he should in preference support the Amendment of the hon. and learned Member for Marylebone (Mr. Forsyth).

Mr. LOCKE suggested that the proposal of the Government would be of benefit to the public if the area were changed to include only the City of London and the metropolitan boroughs. For his part, he did not look with that intense horror which some hon. Members seemed to feel at the proposal to keep open the public-houses till 12.30. But if that hour were made the law, he could not see why every publican should be compelled to keep his house open till that time. It seemed to him a monstrous system to say that, because their ancestors had a right to go into a public-house and demand food and drink, that therefore the public-houses must be kept open everywhere, whether the landlords liked it or not, or whether there was any necessity for them being open or not.

He thought that some alteration should be made in that provision of the law. There were a number of places in the neighbourhood of the theatres to which persons retired for supper after the performances were over, and it was but natural that they should wish to wash their supper down with something fluid. Now, was that to be put a stop to because some persons had squalmish feelings, and pulled themselves into a notion that, inasmuch as certain individuals ate and drank too much, it was not right that those who did not do so should be able to procure anything? He hoped that the hon. and learned Member for Marylebone (Mr. Forsyth) would give way as regarded the quarter of an hour. [An hon. MEMBER: Half-an-hour.] He (Mr. Locke) did not think that 12.30 was too late; and, as he said a short time ago in that House, he should like the public-houses to be kept open till 1 o'clock. It was argued that the theatres might close earlier than they did at the present time; but it should be remembered that they commenced very much later than they used to do. Covent Garden and Drury Lane used to commence at 7, but now a great number of the theatres did not begin till 8, and as the performances would last about four hours, he thought at least the extra half-hour should be given, so that the people coming from them might procure needful refreshment.

Mr. ASSHETON CROSS said, he was not surprised that some metropolitan Members representing outlying districts should not like any addition to the number of hours which existed under the Act of 1872; but the question which hon. Members had to ask themselves was, what extension of hours was proposed by the Bill they were now considering? Practically speaking, the public-houses did not close at 12 o'clock. The street doors, it was true, were closed when midnight came; but persons who were in the house and had purchased what they desired to drink before the closing hour arrived remained there from 15 to 20 minutes. A large number of houses were also allowed, under special licences, to keep their doors open until 12.15, and people in the house were allowed to remain until the clock struck 1. To cut down these hours to 12 o'clock would therefore be a measure of great restriction. In the year 1872,

when the Act was passed, the Government did everything it could to reduce the number of hours, but they felt they could not close the houses at 12 o'clock all over the metropolis; and although they made 12 o'clock practically the closing hour, they were obliged to introduce clauses granting in particular cases exemption licences. Now what was the result? No less than 129 exemption licences had been granted. But that was not all. In the year 1873 there had been issued nearly 4,000 occasional licences for special occasions. Now, let the Committee compare what had taken place since 1872 with antecedent action as regarded the closing of public-houses. In 1871, 950 was the average of the occasional licences granted; but when the Bill of 1872 came into operation they rose to 3,896. Therefore, it was obvious there had been a great demand for additional public accommodation owing to the houses being ordered to be closed at an earlier hour. The Government had shown every reasonable wish to meet the views of the House. In this matter they had consulted high practical authorities, who had the means of becoming acquainted with the habits of the metropolis, and who were accustomed to deal with cases of this kind. The answers which he had received from the magistrates were, that they did not think they could with safety to the public recommend the closing of all public-houses over the metropolis at 12 o'clock. Now, the honourable and onerous office which he held made him responsible for the peace of the City of London; and, feeling deeply that sense of responsibility, he could not advise the Committee to sanction the closing at 12 o'clock. It was inadvisable to draw an arbitrary line that all the public-houses within one mile of Charing Cross should be closed at midnight. Many of the metropolitan theatres and places of amusement were distant more than a mile from Charing Cross. If such a line were drawn all the people who were in the habit of keeping late hours would come at night within this narrow one-mile circle, and this, in the opinion of the police authorities, was very undesirable. The people who went to the theatres, moreover, were not the only people to be consulted. Trains were arriving from all parts of the country at a late hour. What surprised him a good deal in the

course of the present discussion was, that although many hon. Members had asked what was London, none of them had taken the trouble to give a definition of London proper. No doubt the point was one of some difficulty when they came to draw an arbitrary line; but let the Committee see if it could suggest any area of boundary so as to leave the outlying districts beyond the operation of 12.30 closing. Reviewing all that had been said in the course of the debate, and having given the most careful consideration to the various representations which had reached the House, if the question came to the alternative of 12 or 12.30 for closing, equally and without exemption, all over the metropolis, he must accord his support to the latter proposal.

Question put, "That the words 'half an hour after' stand part of the clause."

The Committee *divided*:—Ayes 161; Noes 126: Majority 35.

MR. ASSHETON, who had given Notice of several Amendments, stated that, as the Government had accepted these Amendments in spirit, if not in their actual letter, he should not trouble the Committee by moving them.

MR. ASSHETON CROSS moved to leave out, in line 25, the words "is an urban sanitary district, and." This Amendment was necessary in order to meet the change in the provision.

Amendment agreed to.

MR. ASSHETON CROSS then moved, in line 25, after the word "contains," to leave out 10,000, and insert 2,500.

COLONEL BARTELOT asked his right hon. Friend, if he had carefully considered the question? He, for one, was very glad to see him in the position he occupied; but, with regard to this Bill, he was in a false position, and did not really understand the question. Instead of extending the hours now given, he was curtailing them. No doubt, in certain districts, the proposed alterations would have a beneficial effect; but in many of the rural districts the effect would be the reverse. People were not prepared for such a change. Public-houses in those places were now closed at 11 o'clock, but under this Bill it would be 10 in places under 2,500 inhabitants. What were they about to do, for ex-

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ample, in his locality? Every public-house in small towns and small watering-places must be closed at 10 o'clock, and when during the season, trains came in from London, would the people be satisfied? But more than that, by inserting the word "parish," they added to the evil an inconvenience. In his district there were some parishes with 2,500 inhabitants, including the town or villages in them; but an adjoining parish might have less, although the market town might be there, so that in one parish with 2,500 inhabitants the public-houses would be opened until 11, whereas those in an adjoining parish having less than that number must close at 10 o'clock. He thought the right hon. Gentleman was creating a vast number of anomalies which the people would not understand. He suggested that the insertion of the words "town or village" for "parish" of 1,000 inhabitants, and pressed it on the attention of the Government as a matter for serious consideration.

MR. ASSHETON CROSS said, that the whole subject had received his most anxious attention. It must be remembered that beer-houses for a long time had closed at 10 o'clock, and the question was, whether it would be wise to alter an arrangement which was clear and intelligible. In the Act of 1872 the word "town" had received a definition which was perfectly incomprehensible, and he hoped that his hon. and gallant Friend would let the words in the present clause, which he proposed to alter, stand as they were.

Amendment (*Mr. Assheton Cross*) agreed to.

MR. ASSHETON CROSS moved an Amendment in line 27 by which licensed houses, if situated beyond the metropolitan district, and in a parish of more than 2,500 inhabitants, should be closed on Saturday night at 11 instead of 11.30, as originally proposed by him.

Amendment proposed, in page 1, line 27, to leave out the words "half past."—(*Mr. Secretary Cross.*)

SIR WILLIAM HARCOURT objected to the adoption of a Procrustean rule. The effect of the Amendment would be to alter the hours in all towns which could now keep open to 12 to the hour of 11, and the city he had the

honour to represent (Oxford) would thus be affected. When the Act first came into operation, there were serious disturbances in Oxford; but the authorities having fixed the time of closing at 11.30, the community were now perfectly satisfied, and did not desire other people to force their hours upon them. At Cambridge the hour of closing was 12 o'clock. That borough had returned two Conservatives, and were the constituents to be told that their reward for making that return was that they should be deprived of one hour? Dover also, having gone through many political vicissitudes, at present returned two Conservatives. Canterbury, again, now returned two Conservatives, and they were to be punished for doing so by having their hours of keeping open docked by those whom they returned to support their interests. What would be said of the consistency of a Government which declared that the shortening of the hours had led to illicit drinking, and yet proposed to take that course in the case of so many towns? So far as Oxford was concerned, he protested against this hasty, ill-considered, and inconsistent proposal. They might carry the Bill; but unless they secured for it the support of public opinion, it would not long remain on the Statute Book.

MR. ASSHETON CROSS observed, that the hon. and learned Gentleman, when he relied on the Report of the Mayor of Oxford that the practice of closing at 11.30 had worked well, overlooked the next column, in which his worship said he had no doubt that closing at the earlier hour of 11 o'clock would do just as well. The hon. and learned Gentleman had been one of the strongest advocates of having beer-houses and spirit-houses dealt with in a similar manner by the Bill, and yet, speaking of consistency, he now opposed a proposition which would have that effect. As to the complaint of haste, this Bill was brought in early, ample time for its discussion was given before the second reading, the Committee was put off until after Whitsuntide, and the Government had not proposed any Amendments, but simply accepted of several of which hon. Members had given Notice some time ago.

MR. GOSCHEN expressed a hope that the majority of the Committee would not concur in the view expressed

by his hon. and learned Friend near him (Sir William Harcourt). He (Mr. Goschen) complained of the tone in which the Home Secretary came down to recommend these Amendments. It would be better if he would frankly state that the Government came round to the common sense of the country, and on this point he wished to know how far the Reports of the Mayors were in favour of retaining the provisions of the Act of 1872. The Government had got important evidence on this point in their hands. The House did not know what the nature of that evidence was; but clearly, before they were called upon to vote, this great mystery ought to be cleared up, and they ought to understand why the Home Secretary was now in favour of 11 and 10 o'clock, when he proposed longer hours in the original Bill. He should like to know whether the Government were really and heartily in favour of the Amendments which they had adopted, and what their supporters thought of the fact that, in respect of their first great measure, the Government had to abandon their own proposals.

Mr. HALL, regarding 11.30 as a reasonable hour for a town like Oxford, intended to vote with his hon. and learned Colleague (Sir William Harcourt). It was really too bad that in towns where artisans and mechanics, did not get away from work much sooner than 8 or 9 o'clock, who had benefit-club business to transact, who wanted to smoke a quiet pipe, and who sometimes had to initiate a candidate for Parliamentary honours into the mysteries of Druidism or Antediluvian Buffaloes, should be turned into the streets at 10.30. Why should they be treated like a lot of children in this style, and forced to go to bed like "good boys" at the will of anybody whatever, or by a clause in an Act of Parliament? They had been told by the hon. Member for Stoke (Mr. Mally) that the last half-hour was the time which caused all the mischief. Well, they used to be told *c'est le premier pas qui coûte*; but here it was not the first, but the last step which was alleged to cause all the difficulty. As had been well said by a journalist on this question of half-hours, there must be a last half an hour somewhere, and why should they not give that half-hour at a time when it would suit the

general convenience. The very fact that the magistrates in many of the large towns had used their discretionary power to fix 11.30 as the hour of closing was, he thought, a conclusive proof in favour of retaining that hour.

Mr. SPENCER WALPOLE said, he thought his right hon. Friend the Home Secretary had exercised a wise discretion in proposing the Amendment he had done, after having full information from the local authorities since the Bill was introduced. If it appeared that there was a general desire to adhere to the restricted hours instead of going back to the old system in the country, he thought Parliament ought to meet that feeling with sympathy and support, and vote for uniformity so far as the provinces were concerned. So far from his right hon. Friend being found fault with for having altered his original views, he deserved the highest credit for having carefully considered the information he had received since the Bill was introduced, and for asking the Committee to make Amendments which he believed would bring it into conformity with public opinion.

Mr. KNATCHBULL-HUGESSEN understood that during his temporary absence the Home Secretary had made some allusion to his constituents at Deal, where the hour of closing was at present 11.30, having been fixed by the local authorities in accordance with the public opinion of the place. It had been said that there had been no Petitions in favour of the general hour being 11.30. He had himself presented a Petition in favour of extension of hours, but the fact was that the hour of 11.30 being that which was named in the Bill, people had sufficient confidence in the Government to believe that they would not change their opinion, and therefore saw no necessity to petition—there would have been plenty of remonstrance against the change to 11 had it been possible to anticipate this sudden change on the part of the Government; and he must say that he thought it hard that it should be adopted off-hand, before those placed in the position of his constituents could make their objections known. The right hon. Gentleman (Mr. Walpole) had praised the conduct of the Home Secretary, and he (Mr. Knatchbull-Hugessen) was sure that conduct would always be honourable and straightfor-

ward in the passage of this or any other Bill through the House. But when he (Mr. Walpole) spoke of it being desirable to have something like an equality of hours throughout the country, he begged to remind the Committee of what they had already done that evening. They had fixed 12.30 as the hour of closing in the metropolis, and now they were going to take away half-an-hour in country places, making the hour 11, by which they would render more glaring than ever the inequality between the metropolis and the country, and inflict a great blow upon the country trade. But it was said that Government were acting very fairly, because, having fixed 11.30 as the hour, they had ascertained from the Reports of the Mayors and constabulary that 11 would be preferred in the country. To make that argument of any weight, the Committee should know when those Reports were in the hands of Government? Was it only recently, or were they not, as he believed, in their hands long before the second reading of the Bill, if not before its introduction? There was a dark mystery hanging over those Reports which ought to be cleared up. This was not a question between a Government and an Opposition, but one as to what was really most for the public convenience. A Government could not always adhere strictly to the views of its Members when in opposition; but it was strange that those who had twitted the late Government with having curtailed the hours should now themselves propose a further curtailment. The licensed victuallers would be surprised at the change, and would perhaps recollect the words of a former Colleague of the right hon. Gentleman opposite (General Peel), who, after a few months of office in a Conservative Government, stated in his place in Parliament that he had learned three things—that nothing was so insecure as a security; nothing had so little vitality as a vital point; and nothing was more elastic than the conscience of a Cabinet Minister. They had had a specimen of elasticity that night, but still he hoped the Home Secretary would not persist in curtailing the hours during which public-houses might be open until it had been more clearly proved that the public would not thereby be inconvenienced.

MR. NORWOOD remarked that in the borough he represented (Kingston-on-Hull) the hour of closing was 10.30, and therefore he had no objection to make to the proposal before them, which would make the loss of benefit less than originally proposed. The Mayor of Hull had stated, in the reply he had made to the inquiry of the Home Secretary, that the majority of the inhabitants approved of the restrictions; but it should be known that that was merely the private opinion of that gentleman, whose reply was made under the seal of confidence, and without any authority at all from the magistrates or corporation.

MR. WHITWELL said, he hoped the proposition would be passed without opposition. He congratulated the Home Secretary on having made the alterations which he had announced, and said he was one of those who wanted a good Bill, and did not care from whose hands he got it—he would welcome one from hon. Gentlemen on the opposite side.

VISCOUNT GALWAY advocated 11 o'clock as a satisfactory hour for closing in boroughs; but considered that in rural parishes 10 o'clock would answer every purpose.

MR. W. E. FORSTER expressed his thanks to the right hon. Gentleman opposite (Mr. Cross) for the concessions he had made to the almost universal feeling of the country. He never remembered any matter on which there was such a unanimous feeling in the district with which he was personally connected. The magistrates, the public bodies, the ministers of religion, and even the publicans themselves, all concurred in the present hour, and did not wish the extension to 11.30. He asked the hon. and learned Member for the City of Oxford (Sir William Harcourt) whether it was desirable to go to a division on this matter? The House had decided almost unanimously to take away the discretion from the magistrates. A great deal might have been said in favour of that discretion, but there was a very strong feeling against it. When they were asked to replace this discretion by an uniform hour they must consider the overpowering feeling of the boroughs throughout the Kingdom. There seemed to be a feeling in the University boroughs in favour of the later hour of closing,

but there were only two of them, and he hardly thought his hon. and learned Friend would ask for a division on this subject.

Question put, "That the words 'half past' stand part of the Clause."

The Committee divided:—Ayes 42; Noes 382: Majority 340.

Mr. WILSON moved, in page 1, line 27, to leave out "one," and insert "seven," by which public-houses would be closed until 7 o'clock, instead of 1 o'clock in the afternoon of Sundays, as proposed in the Bill. This being one of a series of Amendments which raised the question of the total closing of public-houses on Sundays, the hon. Member, after giving some statistics setting forth the amount of the exports of the country, showing that the exports had doubled within 10 years, proceeded to argue from that fact the increased wealth of the people. It appeared to him that it presented a serious question for the country at large, as to whether the increase of wealth had not resulted in a great increase of drunkenness. He would not detain the House, as he felt that the subject was one of such importance that it ought to be placed in more able hands than his. The House was very likely not prepared for his measure, but he knew that there was a great feeling in favour of it. The metropolitan district would not be affected. The Sunday closing movement had the support of ministers of all denominations, while the feeling of the country on the subject had been manifested by upwards of 1,200 Petitions presented to the House within the last four or five weeks. He knew he was raising a question which could not be decided on the present occasion; but he nevertheless felt it his duty to bring it forward.

Mr. ASSHETON CROSS said, he hoped the hon. Gentleman would not press his Amendment just then, the more especially as he would have other opportunities of bringing it forward.

Amendment, *negatived*.

Mr. MELLY moved, in page 2, subsection 2, line 1, to leave out "ten," and insert "nine." The question was whether the Committee wished public-houses to be closed on Sunday evenings at 9 or 10 o'clock. They were now closed in 70 towns, including Liverpool, at 9 o'clock,

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and he believed the general adoption of that hour would prove beneficial to the country at large.

Amendment proposed, in page 2, line 1, to leave out the word "ten," and insert the word "nine."—(*Mr. Melly*.)

Question put, "That the word 'ten' stand part of the Clause."

The Committee divided:—Ayes 296; Noes 135: Majority 161.

Mr. SANDFORD moved, in page 2, line 1, to leave out "six," and insert "five." If the Bill were carried in its present form, it would, with the working classes, be re-actionary and unpopular; for although 6 o'clock might suit some parts of the North of England, the Return obtained by the hon. Member for Stoke (Mr. Melly) showed that in the South the condition of society was such as to render it necessary to have the public-houses opened at 5 o'clock, and this proved that it was necessary to leave some discretionary power in the hands of the magistrates.

Amendment proposed, in page 2, line 1, to leave out the word "six," and insert the word "five."—(*Mr. Sandford*.)

Mr. ASSHETON CROSS admitted that there might be special circumstances in which a different hour from that in the Bill might be required, but he could not accept this Amendment, which, if inserted in the clause, would affect all the boroughs in England. It was his intention, at the proper time, to bring forward a proposal, giving the local authorities power to grant special licences in harvest time, and on similar special occasions.

Mr. WYKEHAM MARTIN supported the Amendment. The bargemen and fishermen, whom he represented, went out to sea at dawn, and unless they could obtain their beer for the day before they did so, they had to endure the want of it the whole time they were out at their work.

COLONEL LEARMONTH also supported the Amendment in the interest of his constituents at Colchester, who were similarly engaged.

Mr. PEASE said, he thought that this was another instance of the necessity of giving the magistrates a discretionary power.

Mr. BULWER also supported the Amendment, as it would be unfair that the labouring men who left home at a very early hour without breakfast or refreshment of any kind in order to get to their work should be prevented from obtaining at the public-house the refreshment which they required. The most numerously signed Petitions he had presented were all from hard-working men. They were comparatively indifferent as to the hours of closing at night; but they felt keenly the hardship of not being able to get refreshment in the morning when they were called out early by the peculiar nature of their occupation. If they drew a hard-and-fast line in that case it would inflict great hardship on the class he represented. There was no necessity for doing so. People would not rise at 5 o'clock in the morning for the mere purpose of drinking, and publicans would not open their houses unless they knew that they would have legitimate customers. The extension of the hours from 6 to 5 o'clock would be a great boon to the classes for whom he spoke, and certainly would not interfere, as had been proved at Ipswich, either with public morality or good order. One objection urged against the Amendment was that it violated the principle of the Bill. But if any principle was to be adopted, it ought to be the principle of the Act which they were trying to amend. There was no force in the argument that, because a hard-and-fast line was fixed for the closing hours, therefore, a hard-and-fast line was to be fixed for opening. He denied that there was any analogy between the two. The Government were asked by the inhabitants of Liverpool, and other large towns, to fix 7 o'clock for opening, and by those on whose behalf he was speaking to fix 5 o'clock, and the answer given was—"We will oblige neither, but will disoblige both, by fixing the hour at 6 o'clock." For his own part, he did not believe in any attempt to make people sober or religious by Act of Parliament. He did not believe in the abolition of the Ten Commandments, and substituting for them ten sections of statute law. They must appeal to higher motives, give a better training, and trust to the more powerful influences of education, and an improved morality. In this case there would be a clear inconvenience and no advantage whatever.

Mr. EVANS suggested whether the difficulty might not be met by allowing public-houses to be open between 5 and 6 o'clock for the sale of beer to be consumed off the premises.

Mr. MELLY said, he did not believe that such a provision would operate satisfactorily. Who was to watch the publicans to see that it was properly carried out? He would suggest that the 55 districts in the South of England should be allowed to continue to work the Act of 1872, and also the 75 districts in the North of England; and, if necessary, they could come to Parliament for an amendment without touching the 700 districts which did not ask for any alteration.

Mr. T. E. SMITH was opposed to the extension of hours for early morning drinking, and trusted that the Committee would adhere to the proposition of the Government, that at any rate it would not consent to the public-houses being opened so early as 5 o'clock. Morning drinking was worse than night drinking. ["Oh, oh!"] As a large employer he could say that if a man got first one half-pint and then another, it ended in his being unfit for work all the day after.

Mr. ONSLOW said, a glass of beer in early morning did a great deal of harm. Cold tea or coffee was much better. He cordially supported the proposition of the Government, that the hours of opening should be 6 o'clock.

MAJOR EGERTON LEIGH said, there were two modes of drinking, drinking for thirst and drinking for drinking's sake. He did not believe that people would rise at 5 in the morning to drink for drinking's sake, and if they did the landlords would not find them profitable customers. There could be no harm in extending the hour of opening to 5.

Mr. RATHBONE said, he hoped the Committee would accept the hour proposed by the Government. It was quite early enough for public convenience. Why they should insist upon having public-houses opened before the public required them and before the magistrates wished it, he could not conceive. A discretionary power would be of but little use, because when one house opened the others were obliged to do the same or lose custom. It was the opinion of the publicans themselves in Liverpool that the drinking in the early morning brought

them more discredit than all the other drinking put together.

AN HON. MEMBER asked why the House should be content to fix the hour of opening at 5 o'clock in the morning in the interest of the London artisan, whilst in the interest of the artisans of Liverpool or Manchester they were content to fix it at 6 or 7 o'clock. He hoped 5 would be decided upon, leaving it discretionary with the publican whether he opened at that time or later.

MR. WYKEHAM-MARTIN pointed out that in the agricultural districts, unless the labourers took their beer with them in the morning, they could not procure it the whole of the day. He thought it was not unfair to ask on behalf of these men, who worked hard and were miserably underpaid, that they should be allowed to obtain their refreshment before they commenced work in the morning.

LORD CLAUD JOHN HAMILTON said, he hoped the Home Secretary would not announce his decision with regard to agricultural labourers till he had moved the Amendment which stood in his name respecting that portion of the clause.

Question put, "That the word 'six' stand part of the Clause."

The Committee divided:—Ayes 382; Noes 52: Majority 330.

On the Motion of MR. ASSHETON CROSS, some consequential Amendments were made in the sub-section, to correspond with alterations made by the Committee.

SIR HARCOURT JOHNSTONE moved in page 2, line 9, to leave out "ten," and insert "nine," with a view of closing public-houses in rural districts at 9 instead of 10 on Sundays. The change could not be disadvantageous to anyone, and the publicans themselves had shown their appreciation of total closing on Sundays by adopting it in 9,000 cases. He should divide the Committee on the question.

MR. GOLDSMID moved, on account of the lateness of the hour, that Progress be reported.

MR. DISRAELI said, he should not oppose the Motion of the hon. Gentleman, as it would be a fruitless effort to continue the Bill at that hour; but he hoped the Committee would be resumed

on the following day. He knew that that could not be the case without private Members who had Motions on the Paper making a sacrifice of their privilege, which he was always reluctant to ask them to submit to. Some of the Motions on the Paper for to-morrow had already been withdrawn. The time of the Session was becoming valuable, and he must take that opportunity of disabusing the Committee of the idea, which was too prevalent, that this was to be a short Session of Parliament, and one in which little was to be done. On the contrary, there was a prospect of its being a long Session, and that much would be done. As far as he could judge, within a few days there would be seven measures of first-rate importance before Parliament; and, therefore, unless they husbanded their time and made some exertions, they would find themselves very greatly disappointed as to the prospect in which they had indulged. He wished to suggest that the House should again go into Committee on this Bill to-morrow (Friday.) If this was done they would be more able to deal in a timely manner with the other measures to which he had referred. With the object he had mentioned he would appeal to the hon. Members who had Motions on the Paper for to-morrow, and in particular to the hon. and learned Member for Londonderry (Mr. C. E. Lewis), who had intended to bring forward a subject of some magnitude, to forego their undoubted privileges and to postpone those Motions.

MR. C. E. LEWIS, although he thought it was rather early in the Session to deprive Members of their privilege, said, he would give way to the Government, but only on the condition that other Members followed his example.

MR. DISRAELI said, he could not suppose the hon. and learned Member for Londonderry would relinquish his privilege unless the other hon. Gentlemen followed him in the same direction. If they did so, as the Session advanced, and he could see his way to do so, he would endeavour to find other days for them.

MR. C. E. LEWIS observed that as he had heard no response from the other Members, he could not give way as suggested.

MR. HORSMAN, after the promise of the Prime Minister, could not imagine

any Member objecting to the arrangement.

MR. GOSCHEN asked the Government to give the House some assurance with regard to the Returns upon which the legislation of 1872 was founded. If that were not done, he should move that the Bill be not reported until those Papers were produced.

MR. ASSHETON CROSS said, that when he came into office, he asked for the information referred to, and was told there was no information whatever. What there was was written on unofficial paper, and had been practically destroyed. He presumed that those were in the nature of private communications, and were not intended to be laid before Parliament. If the right hon. Gentleman looked at the Police Returns presented to Parliament in the usual way, he would see the answers they had given. The right hon. Gentleman should have sought for this information earlier in the Session.

MR. GOSCHEN observed that the Under Secretary of State had quoted from one of the Papers in question, and as they had been practically used in the debate, what objection could there be to their production? The objections to their production had not come from the chief constables, nor had the criticism, and the country would not be satisfied with changes made on evidence which was not before the public.

MR. DISRAELI said, there was no doubt of the Rule quoted by the right hon. Gentleman that all documents referred to in debate by a Minister should be produced to the House. But these Returns did not at all affect the Bill, and they were of a strictly private and confidential character. If they were produced, it would be injurious to the public service; but he would suggest to the right hon. Gentleman to move that the parties should be addressed in their public capacities, and if they chose to have their opinions made public then the Papers could be laid on the Table.

MR. HORSMAN observed, that if the documents were confidential originally, they ceased to have that character, and became public documents the moment they were quoted by a Minister of the Crown in debate, and the House was entitled to call for them.

MR. NORWOOD said, that the Mayor of his borough had made a private com-

munication in answer to the questions put by the Home Secretary, and he was much surprised at seeing the information he had furnished quoted by the Government.

MR. DISRAELI said, the House should bear in mind that the position of a Mayor and that of a policeman were entirely different, and he thought the publication of names might be prejudicial to the interests of some of those who had communicated intelligence.

MR. GOSCHEN was of opinion that the Government had a right to ask the chief constables whether their communications were intended for the public; and, if so, to lay them on the Table of the House. They were entitled to have all the information given on the Bill; but it was not his wish to place the chief constables in any invidious position. He would, therefore, suggest that the Papers be produced without giving the names of the writers, or the towns from which they came.

MR. ASSHETON CROSS said, he was willing to give the effect of the Returns, his only objection to the production of the Papers arising from a fear of jeopardizing the position of the chief constables.

MR. NEWDEGATE believed they were entitled to have the documents laid before them, as they were quoted in debate.

MR. HORSMAN considered that, as the Home Secretary had admitted the right to call for these Papers, there was no necessity for pushing the matter farther.

MR. FLOYER considered it was the Rule of the House not to refer to any document which was not upon the Table, and that if anyone did so, the objection to his action in that matter should be made at once, and not subsequently.

MR. HORSMAN said, the hon. Gentleman had not correctly stated the Rule of the House. It was that no Minister should quote from a document which he was not prepared to lay upon the Table of the House.

SIR HARCOURT JOHNSTONE said, he was afraid the public out-of-doors would not understand those nice distinctions, and would wish to know the reliability of the Reports, which had been referred to.

MR. SPENCER WALPOLE said, he thought the Rule of the House ex-

tended only to the production of the particular document which had been quoted, and did not extend to the other Reports, which were of a private character.

MR. KAY-SHUTTLEWORTH said, he was willing to accept the offer of the Home Secretary; but he thought the questions sent out to the chief constables ought to be given *in extenso*.

MR. PEASE said, he understood that any hon. Member who wished to inspect these documents would be at liberty to do so if he called at the Home Office.

MR. W. M. TORRENS said, he thought it would be derogatory for the House, after settling the most important points in the Bill, to seek to shelter itself behind the non-production of those Papers.

THE MARQUESS OF HARTINGTON regarded all the proposals made by the Government as to these documents as equally unsatisfactory, and the proposal of the right hon. Member for Cambridge University (Mr. Spencer Walpole) as even more unsatisfactory. Still he would not press the matter if it were clearly to be understood that it was not hon. Gentlemen on that side of the House who had violated the confidential character of these Reports.

MR. STAVELEY HILL denied that the Home Secretary had violated the confidential character of the Reports until, when cross-examined by the right hon. Member for Bradford (Mr. W. E. Forster), he, in an unlucky moment, turned over some Papers which he had in his hand.

MR. W. E. FORSTER said, the allusion to the Returns of the police was made by the Under Home Secretary in the course of an argument. He (Mr. Forster) thought it would be a bad precedent if the Government were to quote from Returns obtained from different towns, and then refuse to produce them, so that the House might have an opportunity of testing the accuracy of the summary which the Government compiled. He did not for a moment suppose but that the summary had been prepared with the greatest fairness; but the precedent of bringing before the House the facts so arrived at without producing the Returns would be an awkward one. There was a degree of indiscretion in quoting from these Returns, and he thought the Prime

Minister would admit that if the House were to push for it, they would have right to the production of them.

MR. WHITWELL asked the Under Secretary whether he would state to the House whether any information could be supplied by the Home Office with regard to the endorsement of licences for the Returns in question?—because information would be received with great satisfaction.

Motion agreed to.

Committee report Progress; to be again *To-morrow*.

VALUATION (IRELAND) [SALARIES, & BILL.

Resolution [June 2] reported and agreed to. Bill ordered to be brought in by Mr. WILLIAM HENRY SMITH and Sir MICHAEL HICKES BULL. Bill presented, and read the first time. [Bill.]

CANADIAN STOCK (STAMP DUTY ON TRANSFERS) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to make provision respecting the Stamp Duty on Transfers of Stock of the Government of Canada, ordered to be brought in by WILLIAM HENRY SMITH and Mr. CHARLES STANLEY. Bill presented, and read the first time. [Bill.]

House adjourned at Two o'clock.

HOUSE OF LORDS.

Friday, 5th June, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Elementary Education Provisional Act Confirmation * (88); Powers Law Amendment * (89).

Second Reading—Supreme Court of Judicature Act (1873) Amendment (56).

Third Reading—Customs and Inland Revenue Act (78), and passed.

SUEZ CANAL.

ADDRESS FOR PAPERS.

LORD DUNSANY moved an Address to Her Majesty for Copies of any existing treaties or conventions for ensuring the neutralization of the Suez Canal during war time. The noble Lord said, as great as were our interests, political and mercantile, in the Suez Canal trade, it was remarkable that there was no provision made for protecting our interest by any Treaty in the event of war breaking out. He ventured to think that these interests were imperilled.

Mr. Spencer Walpole

had to deal not with a single Power, with two Powers—namely, the Porte the Khedive, not to mention M. de Lesseps and his Company. That being so, it was thought it necessary that we should have a defined understanding with the Powers responsible to us for the non-interruption of the traffic. The Papers which he moved showed that the fears that might be anticipated were chimerical. In fact a total suspension of the traffic had been very recently stated and had led to great complications; and the Correspondence which had recently published by the Foreign Office—considerable portions of which the noble Lord read to the House—showed that, even with all Europe on our side we might have to submit to a stoppage of our traffic until we had promised any matter in dispute. The official intelligence furnished was meagre; but in these days, through the enterprise of newspaper proprietors, and accurate intelligence of great importance reached the country much sooner than it did the Government. As to the correspondence which appeared in the newspapers it seemed that the Khedive had to threaten M. de Lesseps with the employment of absolute force if he carried out his intention of interfering with the traffic and closing the Canal. In fact that the Suez Canal Company threatened to close the Canal pending the settlement of any dispute was of sufficient importance to warrant the Government in taking steps to prevent the recurrence of such a danger to our interests, because it was quite within the bounds of possibility that what had been attempted might be at any moment actually done. There could not be a more favourable moment than the present for buying up the pecuniary rights of the Company, and he did not suppose there were any other rights which would have to be settled. The serious financial difficulties which existed when the Government claimed the chief influence in the matter and opposed the influence of this country did not now stand in our way; those obstacles, or similar difficulties, might spring up if we missed the present opportunity.

read, That an humble Address be presented to His Majesty for Copies of any existing treaties or conventions for insuring the neutralization of the Suez Canal in war time.—(*The Lord Mayor.*)

THE EARL OF DERBY: My Lords, I quite agree in what the noble Lord (Lord Dunsany) said at the beginning of his observations with respect to the importance of the Suez Canal. It is undoubtedly a great work, and one which has given M. de Lesseps a high and an enviable reputation. It is a work which has benefited all Europe; and contrary to general expectation, and especially to the expectations entertained in this country, it has been of greater advantage to the trade and the administration of the British Empire—to our interests both commercial and political—than to those of any other country, or, perhaps, all other countries put together. So far I quite agree with my noble Friend; but I cannot agree with him when he speaks of our position in regard to the Canal as precarious, and of our interests and rights as unprotected. I will not trouble the House by reading documents, but the Concession of 1856, granted by the Viceroy of Egypt, and sanctioned by the Porte, does define in a very precise manner the rights and duties of the Canal Company, and the position of those who use the Canal;—and I may mention in passing that the concession secures the entire neutrality of the Canal as regards commercial relations. As to what my noble Friend said when he referred to the late dispute between M. de Lesseps and all the European Powers, and the threatened closing of the Canal, no doubt, there was a short period of uneasiness and anxiety. Your Lordships will remember that M. de Lesseps claimed a higher rate of tonnage than the Governments of Europe thought he was entitled to. The question was referred to a Commission, which, acting under the sanction of the Sultan, examined the matters in dispute, and a decision was come to on the claims of the Canal Company. M. de Lesseps at the first moment expressed his intention to dispute that decision; but all the Governments of Europe, including that of France, were unanimous as to the rights of the case. Opinion was brought to bear, representations were made to the Sultan, and the Sultan and the Khedive honourably adhered to the engagements they had entered into; and the result was that the Egyptian Government, acting under the authority of the Sultan, announced their intention to take possession of the Canal if the Company in-

terfered to stop the traffic. The good sense of M. de Lesseps and the general unanimity of opinion which prevailed among the European Governments prevented matters coming to extremities. At the last moment the managers of the Canal Company gave way and the traffic proceeded as usual. But, my Lords, if that had not been the case—if matters had been pushed to extremities—no worse consequence would have happened than that the Canal would have been temporarily taken possession of by the Government of Egypt, acting under the authority of the Sultan, and for a time—but only for a short time—inconvenience would have been caused to ships passing through in the absence of the skilled artizans and other persons usually employed on the Canal, and whose places could not at once have been filled. But my noble Friend says that we cannot tell what M. de Lesseps may do in the future—that we cannot tell what may happen if a similar difficulty arose, and that it is desirable to take some course which will prevent the possibility of the closing of the Canal. Now, as to the latter eventuality, we ought to bear in mind that we are accustomed to act on the assumption that persons do not do that which would be manifestly opposed to their own interests; but for my own part I am quite prepared to join in considering any reasonable proposition for preventing a recurrence of the difficulty. At the same time I have not the slightest doubt that if it did arise again it would end as it did the other day. Then my noble Friend asks me whether we are prepared to take over the Canal from M. de Lesseps and his shareholders, and—as I suppose he means—to work it by an International Commission. Well, my answer to that is, in the first place, that it is useless to talk of buying a property which is not in the market. I do not suppose anyone would propose to put pressure on M. de Lesseps and his shareholders and buy the property against their will—indeed, considering that they have had all the risk of the undertaking, that would hardly be fair or generous; but whether it would be fair and generous or not, it would be impossible, because it could not be done without the unanimous concurrence of the European Powers; and I venture to affirm that their unanimous concurrence could not be obtained. So much for compulsory

purchase. As to the idea of a purchase to be made with the assent of the shareholders, I think it is sufficient to say that no such offer has been put before us. I hope my noble Friend will not ask me to express an opinion in the abstract on a transaction of that kind; because when a man wants to buy a house or an estate or anything else, he does not, if he is a man of sense, begin by telling the party who has to sell it that its possession is indispensable to him. If a proposition for the transfer of the Canal to an International Commission were to come before us, framed in such a manner that all the Governments would participate in the advantages of the Canal on equal terms, I do not say that might not be a fair proposal to entertain. But it has not been made, and I have no reason to think it will be made. As to the neutralization of the Canal in time of war, that is a large question, but as my noble Friend has not entered upon it I shall not discuss it. As to the Papers for which my noble Friend has asked, I do not think there are any which correspond with the terms of his Notice.

LORD HOUGHTON said, it was a very unsatisfactory thing that a work of so important a character as the Suez Canal should remain permanently in the hands of an almost insolvent Company. He thought it, too, a great pity that the man who had carried out the greatest enterprise of the present age should not only derive no benefit from it, but really suffer pecuniary loss. He did not think the noble Earl was quite right in supposing that the property of the Company had not been in the market. He believed it had been in the market and that it was in the market now; and he also believed that the shareholders would be very ready under certain circumstances which could not entail any great pecuniary loss either upon this country or others to place the property of the Canal on a more satisfactory position. He did not think the noble Earl was justified in not considering the subject of the neutralization of the Canal in time of war—it certainly pressed much upon his mind. He could not but think it extremely dangerous to leave the Canal in the hands of a private Company. He thought that if the Canal could not be placed under an International Commission some arrangement

might be made between this country and the Porte, by which the Khedive might acquire absolute possession of it, and then we should know with whom we had to deal. Depend upon it this country would never permit its commercial or political interests to be interfered with by disputes between M. de Lesseps and other parties as to the use of the Canal.

Motion (by leave of the House) withdrawn.

**SUPREME COURT OF JUDICATURE
ACT (1873) AMENDMENT BILL.—(No. 56)**
(*The Lord Chancellor.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^d."
—(*The Lord Chancellor.*)

LORD PENZANCE said, he did not rise to oppose the second reading of the Bill, which contained many Amendments of the Act of last Session, some of which were necessary, and all unobjectionable. It contained, however, one Amendment of extreme importance—one the importance of which, indeed, could not be exaggerated—he meant the proposition for restoring what always had existed in this country, but which was abolished by the Act of last year—a second, or ultimate, appeal in all cases whether from the Courts of Common Law or of Chancery. So heartily did he agree in the propriety of this Amendment that if the question of restoring the second appeal was the only one to be considered he should not have risen to address their Lordships; but with it arose the question of what the Ultimate Court of Appeal should be. He was well aware that he should be met by the statement that the question as to the retention of its appellate jurisdiction by their Lordships' House was settled by the decision arrived at last year; but he desired to point out that the question was now raised for the first time, and that what had been done last year was no settlement of the question at all. The question now arising—namely, to what Court the ultimate appeal should go—had never been decided either in that or the other House of Parliament. The opinion of the Scotch Judges and that of the Scotch Advocates were in favour of the retention of the ap-

pellate jurisdiction in their Lordships' House, and the opinions of the Writers to the Signet were to the same effect; and the opinion of the Bench and of the legal profession in Ireland were unfavourable to its abolition. Thus Scotland did not desire it—Ireland did not desire it—and the great body of the people of England did not desire it. Under these circumstances—and Parliament being about to restore the second appeal for English cases, which had been abrogated by the Act of last year—their Lordships had to consider whether the Court of Ultimate Appeal should be their Lordships' House or some other tribunal constituted for that purpose. There had always existed in this country a first appeal and a second appeal; but the jurisdiction of that House as the Court of Ultimate Appeal had often been a subject of controversy. There had been a time when a few only of their Lordships were fitted by training and previous career to hear appeals coming up from the Courts, but that deficiency could not be complained of now when the profession to which he had the honour to belong was so efficiently represented in the House. From time to time plans had been suggested for strengthening the House as a Court of Ultimate Appeal; but never until last year had it occurred to any one to suggest that the way of solving the difficulty was to get rid of the second appeal altogether.

LORD SELBORNE: The Lord Chief Justice had suggested it.

LORD PENZANCE bowed to the correction of his noble and learned Friend, who said the Lord Chief Justice had suggested it; but certainly no Committee or Commission or any other body charged with the special consideration of the question had recommended it. However, it was his noble and learned Friend to whom the country was so much indebted for the able and elaborate Bill of last year, who first reduced that suggestion to the form of a clause in an Act of Parliament, and abolished the second appeal. Let him point out what effect the abolition of a second appeal would necessarily have on the jurisdiction of their Lordships' House. If there was to be but one appeal it was absolutely impossible that that appeal could be to their Lordships' House. Their Lordships were aware that the number of appeals to the first Court of

Appeal was very much larger than that to the second. If there were, say, 400 appeals to the first, there would be not more than 40 to the second. There could be no question therefore that if there was to be only one Court of Appeal, their Lordships' House could not be that Court. It was impossible that 400 or 500 appeals could be heard within the Session by the appellate tribunal of their Lordships' House as at present constituted. Consequently, when last year it was decided there should be only one appeal, it was further decided that such appeal should not be to their Lordships' House. Such a conclusion was only the natural consequence of the previous decision. The present Prime Minister, in a speech made by him last year, pointed out that that must be the case. He said that the House of Lords as a Court of Appeal was a popular tribunal, particularly in Ireland and Scotland; and that so long as the appeals were sifted by the Intermediary Courts, so that not more than 50 or 60 came up to that House annually, they were able to deal with them in the most satisfactory manner; but that the moment you terminated the Intermediate Courts, the appeals would amount to 500 or 600, and that the Lords by their constitution would be quite inadequate to transact business of that amount. This, then, was the reason why the jurisdiction of the House was necessarily surrendered last year. It could not be maintained, if the proposition of having only one appeal was to be adopted. But the reason which justified the abolition of the jurisdiction of their Lordships' House would cease to operate when Parliament erased from the Act of last year the clause doing away with a Second Appeal. Well, then, looking at the matter in the interest of the suitors, he trusted his noble and learned Friend on the Woolsack would reconsider this matter. He did not believe it would be possible to construct a Court of Ultimate Appeal in which the country would have the same confidence as it had in their Lordships' House. The alternative of his noble and learned Friend was ingenious, but he did not regard it as satisfactory. What was the appeal to the House of Lords? It was, in legal language, "an appeal to Her Majesty in Parliament;" just as the appeal to the Judicial Committee of the Privy Council was "an

appeal to Her Majesty in Council." The Common Law Judges were "the Judges of the land," and every one of them on his appointment received a writ commanding his attendance at the House of Lords when required. Within the last 100 years other Judges had been appointed, and it was true that such a writ did not go to them; but there was no reason why it should not. So that it might be said that when sitting on appeals, the strength of the House of Lords was the whole judicial force of the country. It was said by way of objection that the jurisdiction, though nominally in "the House of Lords," was limited to the Law Lords. Considering, however, that the Lords who attended had, generally speaking, all held high judicial appointments he did not think this a very valid objection. A similar objection might be urged against the jurisdiction of the Privy Council. Though the appeal was to "the Queen in Council," the appeal was not heard and determined by the Privy Council but by that portion of it known as the Judicial Committee. Why was it that no one had ever objected to the Judicial Committee as an anomaly? He did not see why the House of Lords should not be constituted into a judicial tribunal in the same manner that the Judicial Committee of the Privy Council was constituted, and that the Crown should have power to issue writs to the Judges to attend the Court of Appeal, so as to strengthen the tribunal whenever necessary. One objection made to the House of Lords was that it did not consist of permanent Judges, and another that it did not sit all the year round; but to his mind matters of this sort were not to be set against higher considerations—such as how would the Court be first constituted? what was the Court which would most command public confidence and whose decisions would be accepted with the greatest approbation? Now, considering that their Lordships had to settle finally the most delicate and the most disputed questions of the law, and that their decisions were to affect the general law for all future time—it did not appear to him to matter, so long as they settled all causes brought before them within a reasonable time, whether they sat all the year round or not. Now, it was certain that the Court had no arrears of business; so that it had no more business to do than it could get

through. The question, then, was whether we could replace a Court of this old, traditional standing by a better Court. He was afraid he could not say the Court proposed by this Bill would be an improvement. The Act of last year provided about 17 Judges; and by his present Bill his noble and learned Friend proposed to form his new Court of Ultimate Appeal out of these 17—the new Court, in fact, was to be a section carved, as it were, out of the Court of Appeal established last year. But, if you were to carve one Court out of another the question arose, why did not you make a separate Court? It was not desirable that one part of a Court should be considered paramount and another part of it subordinate; but it was impossible to avoid that result, where one section or Division of the Court heard appeals from the other, and confirmed or reversed its decisions. The provision that the Judges were to be removed periodically from one Court to the other was one which could hardly be expected to work satisfactorily. As to the general question of the desirability of this House retaining its jurisdiction, for its own sake, he did not propose to argue that question, but he would say that that retention would only be desirable and wise in the interest of the House of Lords so long, and so long only, as the jurisdiction, when exercised, constituted the best form of Court for the suitor that could be devised. The only question was whether any new Court which could be devised would be as effectual and would give as much confidence to the country and as much stability to the law as the jurisdiction which had been hitherto exercised by this House.

LORD SELBORNE said, the question was one that ought to be considered in its relation to the public interest in the administration of justice and the interest of suitors, apart from all partiality or prejudice in favour of an existing tribunal. While no one had a better right than the noble and learned Lord (Lord Penzance) to discuss the details of the Bill, he could not help thinking that the fragmentary discussion of them on the second reading was inexpedient, and that arguments relating to them had better be reserved for the stage of Committee. His noble and learned Friend had said that this House surrendered its jurisdiction in English appeals last Ses-

sion, because it was proposed by the Judicature Bill to do away with the second appeal in English causes, and that if this House were constituted the Court for hearing the single appeal, it would be impossible that they could get through the business; and his noble and learned Friend said that, as it was now proposed by the present Bill that there should be a second appeal, the reasons for abolishing the appellate jurisdiction of the House of Lords had disappeared. He (Lord Selborne) demurred to that statement. The multiplication of appeals was a serious evil; but that was a very different thing from the re-hearing, by the same tribunal, of a case which called for reconsideration; and it was very desirable that there should be such a safeguard against the accidental miscarriage of justice. There was no tribunal, however exalted, which would not be the better for such a safeguard; and even a review of the judicial history of this House would furnish instances of decisions which might have been reviewed with advantage to the public and to suitors. It was, therefore, quite consistent with the principle of a single appeal that a Court whose decisions were to be final should have the power of reviewing and reconsidering its own decisions. It was not proposed now any more than last year—he was speaking now of England, not of Ireland and Scotland—that there should be an Intermediate Court of Appeal and a Court of Final Appeal. What was proposed was that, in any case which had been heard before the Court of Final Appeal, there should be a power of rehearing by a greater number of Judges, so as to insure the most careful deliberation and the best-considered decision which, under the circumstances, was possible. As far as English appeals were concerned and the principle went, there was no difference whatever between the proposal of the Bill of last year and the Bill of this. But as to the machinery by which it was to be done there was a difference. Last year it was proposed that the Court of Final Appeal should have a discretion to allow a rehearing, in all proper cases, by virtue of its own inherent power. But now his noble and learned Friend, having to provide for Irish and Scotch appeals, had thought it better to regulate the mode in which it should be done; and, in some cases, to make the re-hearing a matter of right. That proposal would,

no doubt, require careful consideration; but it was in substance the same power as was given to the Court by the Bill of last year. He could not help saying that there were many reasons, besides those to which his noble and learned Friend who had just spoken had adverted, which led him to a conclusion diametrically the reverse of that of his noble and learned Friend. Agreeing with his noble and learned Friend (Lord Penzance) in making the advantage of the suitor the sole test, he could not agree with him that a Court composed of men entitled to be treated as *emeriti*, and to be exempt from future service, but who, from public spirit, gave their voluntary attendance to the judicial business of this House, could be superior to such a Court as was constituted by the Judicature Act, whether as agreed on last year or as now proposed to be amended. Of this, he was convinced, that there existed no practical or solid reasons for believing that the judicial power of the new Court would be inferior to that of the House of Lords or the confidence of the public in it would be less. Putting aside, then, all other interests than the interests of the suitors, he could not but think they would tend to shake the confidence of the people in their Lordships' House if they were to take this retrograde step, and undo the work of last Session.

LORD HATHERLEY said, it appeared to him that his noble and learned Friend (Lord Penzance) had fallen into the error of supposing that that which was merely an incidental consequence of the creation of the new tribunal for the hearing of appeals was the cause of that new tribunal being created; and his noble and learned Friend apparently thought he had justified himself in that view—at least, to a considerable extent—by the citation of the opinion of the right hon. Gentleman now at the head of Her Majesty's Government that the cause of this House abrogating its jurisdiction was that it was thought desirable by Parliament that appeals should no longer go from an intermediate to another tribunal, but should be carried to a Court of Final Appeal at once; and his noble and learned Friend argued that because the present Bill varied the Act of last Session in this respect, therefore the appellate jurisdiction of this House should be restored and continued. Knowing from a Notice which had been given by a noble Lord (Lord Redesdale) that

their Lordships would have an opportunity of reconsidering the whole matter, he was not going to enter into the argument whether or not this House acted wisely in resigning the jurisdiction which it possessed. But he might be permitted to recall a few circumstances which led to that resignation, and which had nothing to do with the question whether there should or should not be Intermediate Courts of Appeal. In the first place, the jurisdiction of their Lordships' House had not been a reality ever since O'Connell's case, their Lordships having relegated the decision of appeals to a small Committee, which took the duty on itself. There was next the doubt whether an adequate number of Peers could always be secured. Some of their Lordships must remember—as he was old enough to do—when the Lord Chancellor sat to consider appeals from his own decisions, with the assistance of two Lords called in as assessors, who did nothing; and evidence had been given before the Committee of their Lordships' House, which sat on the subject, of a Lord Chancellor coming to a conflicting decision with himself. That was a principal cause of the change which had been made. But there was another. Accident at times would deprive the tribunal, after the case had been heard for the most part, of the attendance of the noble and learned Lords who had heard it, so that Peers who had not heard the commencement of the arguments in the case, heard the argument at its termination—and sometimes *vice versa*, those who were present at the commencement had ceased to attend at the conclusion. Again, the vacations of Parliament, being frequent and protracted, caused great inconvenience to suitors. These, among other reasons, induced their Lordships to abandon, after grave consideration, their appellate jurisdiction, and he sincerely trusted they would not now reverse the decision they had arrived at.

LORD DENMAN quoted at large from a speech of the noble Lord on the Wool-sack, delivered on 15th April, 1872, which exposed the inexpediency of attempting to create one large Court of Appeal. [His Lordship had objected to the taking away of the Lord Chancellor from the House of Lords.] He (Lord Denman) also stated that in 1838, when great changes were made in the Court of Queen's Bench, the name

of every officer was placed upon the Act. He declared the Bill re-modelling the Privy Council appeals had been carried after an incorrect assertion as to the qualifications of those who were to sit in order to clear off the arrears. [*A laugh.*] The noble Lord remarked that it was no laughing matter, and that the Lord Chief Justice of the Common Pleas had not been able, as Attorney General, to destroy trial by jury. He thought from the previous opinions of the Lord Chancellor, his Lordship could not entirely approve of this Bill, though, in order to save the public time, he had done his utmost to make it practicable. He (Lord Denman) denied Lord Hatherley's assertion, that the House of Lords had abandoned its jurisdiction by leaving to the Law Lords the decision of the O'Connell case; because Lord Wharncliffe had expressly declared that it was in order to preserve the character of the House of Lords as a Court of Appeal and a Court of Law that his Lordship suggested that such of their Lordships as were not Lords learned in the law had not heard the whole case, and could not, therefore, be supposed to be acquainted with the whole of the reasoning upon it, and who therefore were not qualified to pass a judgment upon such an occasion, should abstain altogether from voting. The judgments given by other Law Lords who had not heard the whole of a case, were always founded on a complete study of the case—possibly with the benefit of the advice of the Judges, and with a report of the speeches of counsel before them. It was monstrous for one of their own body to point out defects as irremediable in the constitution of the Court of Appeal. The noble and learned Lord (Lord Hatherley), when on the Woolsack, had taken the name of a magistrate off the commission of the peace for Derbyshire, because he had shown up his fellows in a case in which subsequent events justified that magistrate; but the Appeal Committee was the Committee of the Whole House, and every Peer understanding a case had a right to give his opinion and vote upon it. In the only case in which injustice had been imputed, he (Lord Denman) brought the case before the House, knowing that a noble Lord who had been counsel for the appellant had promised to explain his case; but that noble Lord, though present, said not a

word, and he (Lord Denman) found that the case, having been already decided, was inadvertently re-opened by Lord Brougham—only too great intended kindness had been shown to the appellant, resulting in certain defeat, and for it the appellant was much to be pitied. Her Majesty, and several officers formerly in the Guards, had subscribed to relieve the poor man in his old age. He (Lord Denman) would never admit the principle of the Bill, and would oppose it at every stage. In the *History of France*, they found as to lawyers, that the—

“Secular Peers and Lords, whom they at first only assisted with their advice, soon yielded to their superiority in those tribunals [Parliament]. Instead of the simplicity and conciseness which characterized the feudal forms of trial . . . the Judges devoted their attention to the nice discussion of law questions, and encouraged those subtleties which at once perplex and protract, and which throughout Europe so universally disgrace the modern Courts of Justice.”

He (Lord Denman) did not wish to speak disrespectfully of the noble and learned Lords who, having retired, voluntarily, bound themselves to assist the House by their decisions, but felt sure that the diffidence of noble Lords by no means deprived them of their hereditary rights.

LORD O'HAGAN said, that there were many points of discussion which had not yet been raised, and especially the point relating to the abandonment of the appellate jurisdiction of their Lordships' House as respected Scotland and Ireland. The opinions of those two countries had really not yet been considered. The Judges of Scotland had expressed their opinion in favour of retaining that jurisdiction; and so far as Ireland was concerned, it was the unanimous opinion of the legal profession, and of all who were competent to form an opinion relating to the retention of the jurisdiction of the House—though that opinion had not been expressed as absolutely as it had been in Scotland—that it was desirable to retain the jurisdiction in their Lordships' House. That matter having been deliberately considered in those two countries—the Bar and the other branches of the legal profession reposing perfect confidence in their Lordships' House as the Court of Ultimate Appeal, and nothing appearing to show that the country desired a change—he asked, whether it was not entitled to consideration at their Lord-

ships' hands? With reference to the creation of a new Court of Ultimate Appeal, he was of opinion that the proposal raised an entirely new question, which their Lordships would have to consider, and pronounce their legislative judgment upon, as if it now came under consideration for the first time. The question would come solemnly before them on the Motion of the noble Lord (Lord Redesdale) on going into Committee, and he trusted that it would then be fully discussed, quite unprejudiced by anything that took place last year.

LORD MONCREIFF said, that he did not rise to prolong the discussion, but he wished to say a word or two on the position of Scotland in regard to this question. Both the noble and learned Lords who had spoken had admitted that the position of affairs was changed by the introduction of the new Intermediate Court of Appeal, and that the same reasons did not exist for abolishing the jurisdiction of their Lordships' House as existed last year. There were two matters for their Lordships' consideration—first, whether the Scotch appeals should remain subject to their Lordships' jurisdiction; and, secondly, whether the new Appellate Court would work satisfactorily. As to the first, it was his feeling that though the removal of English appeals from the House of Lords would tend to impair its dignity and efficiency as a high tribunal, yet it would not become him to oppose the alteration on merely local grounds. Yet he thought, in the altered circumstances of the case, that the position of Scotland was entitled to consideration—because the jurisdiction of this House did not rest so much upon an Act of Parliament as upon a Treaty—for this question had been regulated in a very distinct and particular manner by the Act of Union. A material alteration had now been made in the position of affairs. As long as the Courts of Law had only the one Final Court of Appeal to go to, there was no reason for retaining the jurisdiction of their Lordships' House, but a proposition was now made that there should be an intermediate Appeal. It was thought not undesirable on the part of the Scotch Judges to state their impression on their Lordships' jurisdiction, and they were unanimous in thinking that it was de-

sirable, as far as Scotland was concerned in the administration of the law of the country, that the appellate jurisdiction of the House should be retained. That being so, without now discussing the question of the appellate jurisdiction at all, he should consider the subject generally, and give such general support to the Motion of the noble Lord (Lord Redesdale) on going into Committee, as appeared to him to be advisable.

THE LORD CHANCELLOR: My Lords, with reference to what has fallen from my noble and learned Friend lately Lord Chancellor of Ireland, I wish to remark that last Session Her Majesty's then Government proposed to the other House of Parliament to include appeals from Scotland and Ireland in the measure which was then before Parliament. A meeting of the legal profession was held in Ireland; and they expressed the opinion which they entertained on the subject. I have not that opinion before me, but for the purpose of what I have to say that does not signify. That opinion was within the knowledge of the then Lord Chancellor of Ireland: as the head of the Bench, he must have known what was thought by the Judges and by the Bar of the proposals of the Government of which he was a Member. It was for him to consider whether, by his presence in that Government, he would recommend that proposal with all the weight of his authority. As a continuing Member of the Government, he represented to Parliament that he thought it was consistent both with the interests and with the views of the Bar and the people of Ireland that that change should be made. After that I will say this, and only this—what my noble and learned Friend has said tonight as to the course which he thinks ought to be taken, and which he is prepared to take, I heard with the respect with which I hear everything from my noble and learned Friend; but while I heard it with respect I heard it with surprise. I am not going now to enter upon the general question of the appellate jurisdiction of this House. No Motion was made on the subject on the second reading of the Bill. I own I should have thought that those who desired to raise the question would have found the second reading of a Bill which proposes to establish an Imperial Tribunal a convenient opportunity for raising

the question. My noble Friend (Lord Redesdale) is, of course, the best judge on that matter. I should have thought the second reading was a convenient opportunity for another thing—because if the Amendment were carried it would be fatal not only to this Bill, but to all legislation with which this Bill is connected. I think my noble and learned Friend (Lord O'Hagan) has not correctly represented the expression of the feeling of the Profession in Ireland on this subject. I look with the greatest respect on the feeling of the Profession; but, at the same time, the feeling of the Profession is not necessarily the feeling of the country, and the legitimate mode in which the feelings of the people of Scotland and Ireland on this subject will have to be ascertained is by an expression of the opinions of their Representatives in Parliament. But as to the feeling of the Profession, I have had communicated to me formal documents in which that feeling has been expressed—I have received private communications and deputations on the subject—and I do not understand that they deprecate appeals being taken from Scotland and Ireland from this House absolutely, but that what they state is this—which is a very different thing—if you will undo the legislation of last year and restore English appeals to this House—which they would like you to do—then we wish Scotch and Irish appeals to be heard here; but unless you restore the jurisdiction of this House as to English appeals, then we prefer that Scotch and Irish appeals should go to the same tribunal to which the English appeals go. I will not go into the question of the appellate jurisdiction of this House; but I believe that the advantage which has been gained from the exercise by this House of its jurisdiction has arisen from two considerations which are somewhat distinct. I believe it has arisen, in the first place, from the traditional dignity and prestige by which the actions of this House have been surrounded. And I believe it has arisen, in the next place, from the character and qualifications of those by whom the legal jurisdiction of this House has been administered. I know and have felt as much as any person that when the jurisdiction of this House in the administration of the law is terminated it will lose the benefit of much traditional dig-

nity and prestige which it has enjoyed—I have never disguised that fact; it would be vain to seek to disguise it; and a sense of it has led me to struggle to find out a way in which we might maintain that jurisdiction. Let me now say a word with regard to the character of the Court to which, under this Bill, that jurisdiction will be transferred. I cannot venture to prophesy, and it is impossible for me to say whether we shall have in the future men such as we have known in the past to take part in the highest legal jurisdiction in the country. However that may be, of this I feel certain, that if the present measure be passed, and if the appointments under it be made in a fitting manner, it cannot but happen that the Imperial Court of Appeal will, as regards the men and the elements composing it, be the strongest legal Court that this country could possibly produce. That is all which I have to say upon this subject at present. I will, however, advert to one or two errors that have been apparent in the course of the discussion. I do not agree with my noble and learned Friend who spoke last (Lord Moncreiff) that the object and effect of this Bill is to reverse or repeal the Bill of last year as to appeals. When I introduced the measure I stated that I understood one of the principles of the Bill of last year to be that, under certain circumstances and with certain qualifications, there might, after a hearing before one of the Divisions of the Court of Appeal, be a re-hearing before a greater number of Judges. I do not call that an appeal—I call it a re-hearing it, and, of course, the meaning of such a procedure, after it has been developed by rules, is, not that there will be a judgment, and afterwards a reversal of the judgment, but that before judgment is finally given, and although a decision has been arrived at and expressed, the decision will be subject to review, and the final judgment will be pronounced after such review. The objection which I felt, and which I expressed last Session, was that the power of having this re-hearing was not conferred as a matter of right, but was made optional on the part of the tribunal which in the first instance heard the case; and, moreover, that no definite arrangement was made as to the composition of the Division or tribunal before which the re-hearing should take

place. What is now proposed is merely an enlargement and not a repeal or alteration of the principle to which I have referred. As to the terms and occasions on which a re-hearing should be allowed, that is but a matter of detail. I should propose that it be allowed when there is a difference of opinion at the first hearing. Your Lordships may think proper, however, to give a still greater licence in the matter. My noble and learned Friend (Lord Penzance) talked of this measure as very anomalous, because it carved one Court out of another; but the principle of a re-hearing will be found laid down in the Report of the Judicature Commission, on which the Act of last year was based; and in practice it exists, for example, in the Court of Exchequer Chamber.

LORD REDESDALE said, he had given Notice of a Motion on going into Committee which would raise the whole question, and therefore he would not enter upon it on the present occasion; but a strong argument against the Bill was to be found in the admission of the noble and learned Lord on the Woolsack that the House would lose its traditional dignity and prestige by having its appellate jurisdiction taken from it.

THE LORD CHANCELLOR explained that the noble Lord had misapprehended his meaning. What he had meant to say was that the traditional dignity and prestige which attached to the House in the exercise of its appellate jurisdiction would be lost to the new tribunal; not that the House itself would suffer.

LORD REDESDALE said, at all events the noble and learned Lord admitted that he had struggled to maintain the jurisdiction of the House. With whom, he might ask, had the noble and learned Lord had to struggle? Two of the three Kingdoms had openly declared that they would rather have this tribunal than any other; and he believed that if the opinions of the Judges of England were obtained it would be found that they were nearly unanimous in favour of retaining the House as the Ultimate Court of Appeal. Nobody had asked for the removal of the appeals from this House—never had there been a legislative change made with so little occasion for it. With regard to the proposed new Court of Appeal, one great objec-

tion he had to it was that the Judges would be appointed for only a limited time—namely, for three years. At the end of that period they might or might not be re-appointed. This he regarded as a most unconstitutional proposal, for it would make the appointments depend practically upon a continuance of the favour of the Crown. Then it appeared that there would be a different tribunal for Scotland and Ireland and for England. In the latter case there would be a re-hearing only, while Scotland and Ireland were to have appeals, and were, therefore, as it seemed to him, placed in an inferior position. The noble and learned Lord (Lord Hatherley) had stated that since O'Connell's Case the appellate jurisdiction of this House was not a reality. He (Lord Redesdale) contended that it was. Just as under the name of "Her Majesty's Courts," "Her Majesty's Ships," the great Monarchical principle was involved, so the association of the appellate jurisdiction with the House gave it an authority and a prestige at which the Bill would strike a fatal blow. He would only add that he meant to press the Resolution of which he had given Notice on the Motion for going into Committee to a division, when he hoped every noble Lord who entertained the same views as he did on the subject would vote with him. If they only had the courage of their convictions, he felt satisfied there would be found to be a large majority in favour of retaining the appellate jurisdiction of the House.

THE EARL OF FAVERSHAM said, he was strongly in favour of the retention of the appellate jurisdiction of the House, not only for Scotland and Ireland, but for England. At no time, he maintained, were their Lordships more competent to discharge that jurisdiction than at present, when they numbered among their Members so many eminent lawyers. The country and the legal profession, he maintained, had the utmost confidence in their Lordships' decisions as a Court of Appeal—and the feeling of the people in the Three Kingdoms was in favour of their retaining their jurisdiction—and he begged the noble and learned Lord on the Woolsack to pause before he struck a final blow at what must be regarded as a great constitutional privilege of the House.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Thursday next.

ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION BILL [H.L.]

A Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same—Was presented by The Lord President; read 1^a. (No. 88.)

POWERS LAW AMENDMENT BILL [H.L.]

A Bill to alter and amend the law as to appointments under Powers not exclusive—Was presented by The Lord Selborne; read 1^a. (No. 89.)

House adjourned at a quarter before Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 5th June, 1874.

MINUTES.]—PUBLIC BILLS—Ordered—First Reading—Municipal Franchise (Ireland) * [136].

First Reading—Land Titles and Transfer * [136]; Real Property Vendors and Purchasers * [137]; Real Property Limitation * [138].

Committee—Intoxicating Liquors [83]—R.P.

Considered as amended—Leases and Sales of Settled Estates * [8].

Third Reading—Local Government Provisional Orders (No. 2) * [112], and passed.

Withdrawn—Parliamentary Voters Registration (Ireland) * [72].

PARLIAMENT—ORDER—MONASTIC AND CONVENTUAL INSTITUTIONS BILL

Mr. NEWDEGATE said, he wished to give Notice of Motion in consequence of the advice which the Speaker had given him in private, and he was anxious, with the indulgence of the House, to explain what had taken place so that he might be quite sure he properly understood the position in which he was placed. The Order for the Second Reading of the Monastic and Conventual Institutions Bill stood over for Wednesday, the 10th, and on Friday, the 12th, he proposed to move, that it was expedient that Her Majesty's Government should introduce

a Bill to appoint Commissioners to inquire into Monastic and Conventual Institutions. He had been informed that as long as the Order for the Second reading of the Bill stood anterior to the Notice of Motion, that either was correct; but that if he were to postpone the Order for the Second Reading until after the Notice standing in his name, his Notice would become irregular. Inasmuch as he believed there was very little prospect for him as a private Member to obtain an opportunity to bring forward his Bill, and understanding his position, he now gave Notice, that he intended to move, on the Order being read for the Second Reading, that it be discharged. The Bill stood for second reading on Wednesday next, and in order that he might proceed regularly with the Notice for Motion that stood in his name, and elicit the opinion of the House that it was expedient the Government should introduce a Bill upon the subject, he proposed to withdraw the Bill.

MR. SPEAKER: In answer to the hon. Member for North Warwickshire, I may state that the practice of the House is this—If the House should order a Bill relating to a certain subject to be read a second time on a given day, it will not anticipate the discussion on the matter, which it has so ordered, by a Motion on the same subject. And, therefore, if the hon. Member postpones the second reading of the Bill to a later day than the Resolution of which he has given Notice, that Resolution could not be proceeded with.

FRIENDLY SOCIETIES—LEGISLATION. OBSERVATIONS.

THE CHANCELLOR OF THE EXCHEQUER: I beg to give Notice that in case the Committee on the Intoxicating Liquors Bill should finish this evening, I shall on Monday next introduce a Bill to amend the law relating to Friendly Societies. If, however, the Intoxicating Liquors Bill does not pass through Committee to-night, I will bring in my Bill on Thursday, and I trust that my right hon. Friend at the head of the Government may be able to give the subject precedence over the Orders of the Day, so that the Bill may be brought forward at half-past 4 o'clock.

ARMY—THE HAMPSHIRE MILITIA.

QUESTION.

MR. BEACH asked the Secretary of State for War, Whether it is true that the men of the Hampshire Militia when called out for training at Winchester had to sleep two in one bed; and, if so, whether he will take means to prevent such a thing again occurring?

MR. GATHORNE HARDY, in reply, said, he was sorry to say—not so much to the regret of the men as of the authorities—that the fact had been accurately represented. The truth was that there was not room enough in the places where the men were billeted for each man to have a separate bed. He feared this was not the only place where a similar inconvenience had been felt, but the War Office would do what it could to remedy this state of things.

DOMINION OF CANADA—MERCANTILE MARINE ENSIGNS.—QUESTION.

MR. GOURLEY asked the Under Secretary of State for the Colonies, If authority has been granted by Her Majesty (by Order in Council or otherwise) to the Government of the Dominion of Canada to use in the Mercantile Marine "Ensigns" other than those now used by vessels of the United Kingdom; if not, if he is aware that a vessel recently arrived in Havre belonging to the Dominion of Canada flying an "unknown ensign," said by the Commander to be that authorized by the Dominion Government?

MR. J. LOWTHER: Sir, it is quite true that a vessel—and, as a matter of fact, I believe, several British vessels registered in the North American Provinces—recently arrived at Havre flying the Red Ensign with the badge of the Dominion of Canada emblazoned in the fly. This course, however, is not irregular, as the use of flags of that description by vessels registered in the Colonies has been duly authorized by Her Majesty's Government.

ARMY PURCHASE COMMISSIONERS—INDIAN ORDNANCE CORPS.

QUESTION.

MR. BATES asked the Secretary of State for War, What steps have been taken by the Army Purchase Commissioners for the settlement of claims of

Officers of the late Indian Ordnance Corps, in respect of compensation for loss of the sale of their Commissions?

MR. GATHORNE HARDY: Sir, when I first entered upon the office now hold, the question respecting the settlement of the claims of the officers of the late India Ordnance Corps had been a long time under discussion, and I found that the Army Purchase Commissioners were not in a position to deal with it, in consequence of the difficulties which had arisen between the India Office and the War Office. I thought it very desirable that the matter should, if possible, be brought to a conclusion, and therefore I proposed to my noble Friend at the India Office (the Marquess of Salisbury) that the matter should be referred to a distinguished ex-Judge, Sir Samuel Martin. The Papers were accordingly placed before him, and within a day or two Sir Samuel Martin has given his decision. It will be necessary that a short Bill should be brought in to enable the Army Purchase Commissioners to deal with that question upon the principles laid down by Sir Samuel Martin.

POOR LAW GUARDIANS (IRELAND).

QUESTION.

MR. O'REILLY asked the Chief Secretary for Ireland, Whether the Local Government Board, Ireland, have annulled the election of a Poor Law Guardian in consequence of the conduct in relation to it of a gentleman holding the Commission of the Peace; whether his conduct has been brought under the consideration of the Commissioners of the Great Seal; whether they have taken any action in the case, and what; and what is the name of the union and electoral division and of the magistrate in question?

SIR MICHAEL HICKS-BEACH, in reply, said, that the election of a Guardian for Crossmolina, north electoral division of Ballina Union was disputed. The name of the magistrate in question was Mr. G. H. Jackson, of Fortlands, Ballina. The Local Government Board had annulled the election, and ordered a new one, on the ground that a majority of valid votes had not been obtained, Mr. Jackson having filled up and signed a proportion of the voting papers in the absence of the voter. It

was stated in the newspapers that Mr. Jackson's conduct had been brought under the notice of the Commissioners of the Great Seal; but he (Sir Michael Hicks-Beach) had no information on this subject beyond what had appeared in the newspapers.

POOR LAW—EMIGRATION OF CHILDREN TO CANADA.—QUESTION.

Mr. A. PEEL asked the President of the Local Government Board, Whether, considering the large number of children sent out to Canada by the Poor Law Guardians of various unions, it is the intention of the Government to exercise any inspection over the temporary homes or refuges provided for such children, both in this Country and in Canada; and generally into the system adopted in the latter Country, whereby the children are placed out in different trades and employments?

Mr. SCLATER-BOOTH: Sir, it is the intention of the Government to make inquiry into the results which have attended this particular form of emigration, which, as the hon. Gentleman is aware, has attained large proportions within the last three years. The subject has engaged much of my attention for some weeks, and the arrangements are on the verge of completion. In the course of a few days I shall be happy to inform my hon. Friend exactly what is proposed to be done.

IRELAND—SALARIES OF RESIDENT MAGISTRATES.—QUESTION.

Mr. SHEIL asked the Chief Secretary for Ireland, Whether the Chairmen of Counties and Officers of the Constabulary have received back pay from the date of a Report of the Commissioners recommending the increase of salary which they have lately obtained; whether he will consent to introduce a Clause into the "Magistrates (Ireland) Bill" authorizing the payment to the magistrates of back pay from the date of the late Report of the Commissioners recommending an increase of the salary of resident magistrates; whether the house allowance will be made to resident magistrates; and, whether such allowance was not granted to them until the year 1836?

Sir MICHAEL HICKS-BEACH, in reply, said, it was true that the chairmen of counties in Ireland had received back pay as set forth in the Question of the hon. Member, for the reason that increased duties were placed upon them by the Land Act of 1870. The amount of increased allowances to which the chairmen were entitled for such additional duty was not fixed by the Treasury until 1873; but, of course, they had been paid from the date at which the increased duty commenced. The increased rate of pay to be granted to the officers of the Constabulary was agreed to by the Treasury for special reasons, at a date anterior to the passing of the Constabulary Act of last Session. It was not his intention to introduce into the Magistrates (Ireland) Bill a clause such as was contemplated by the second part of the hon. Gentleman's Question. His reasons for that determination he had already explained. House allowances were made to resident magistrates in Ireland before 1836; but since that time the position of the magistrates in regard to salary and other matters had been so much improved, and would be so much further improved by the Bill now before Parliament, that it was not thought right to restore to them house allowances which were made under totally different circumstances.

POST OFFICE—ROYAL MAIL STEAM PACKET COMPANY'S CONTRACT.

QUESTION.

Mr. BATES asked the Postmaster General, If there is any truth in the rumour, that, by the new Contract lately entered into and arranged by the late Government with the Royal Mail Steam Packet Company (but which Contract has not yet been confirmed by the House of Commons), the Company are not bound to call at Plymouth on the homeward voyage as heretofore, for the purpose of delivering the mails, and by which arrangement those mails were delivered in the north at least one day earlier than if they were carried on to Southampton?

LORD JOHN MANNERS, in reply, said, it was perfectly true that under the new contract the mail steamers would not be obliged to call at Plymouth. The new contract was arranged by his Predecessor in office, and would carry out

the Postal Service at a diminished cost to the country, and as the Royal Mail Steam Packet Company were only bound to call at Southampton they had intimated that they did not intend to touch at Plymouth, in consequence of the additional expense to which it would put them.

MR. BATES gave Notice that, in consequence of the reply of the noble Lord, he should on an early day call attention to the matter, and move that the House do not confirm the Contract entered into with the Royal Mail Steam Packet Company.

ARMY—THE SURVEYOR GENERAL OF THE ORDNANCE.—QUESTION.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether his attention has been called to a report in the "Times" newspaper, that, at a late Conservative banquet at Chelmsford, the Surveyor General of the Ordnance stated, speaking of the Army, that—

"The legacy left by the Liberal party was simply appalling, whether they looked at the recruiting, the brigade dépôt centres, or the Reserves," and that "he was sure that his Right Honourable Friend at the head of the War Office would not countenance 'dummy' regiments or 'phantom' reserves, but would take care that if, unfortunately, the Army should be required to serve in the field, it should exist not on paper only, but in substantial reality;"

and, whether he concurs in the statements made by the noble Lord; and, if so, whether he will be good enough to state what measures he proposes to introduce in Parliament with a view of remedying such a state of things?

MR. GATHORNE HARDY: I might, perhaps, appeal to you, Sir, to know whether the hon. and gallant Member has made a proper use of the power to ask Questions in this House, by asking for my opinions upon words used by one of my Colleagues outside this House. My noble Friend by whom the words are said to have been used is in his place, and is in a position to answer for himself, and to vindicate the words he has used or may use on any occasion. With respect to what he is reported to have said about myself, I shall make no remarks; but in respect to the language he imputed to me, I can only say that it is practically a repetition of what I have myself spoken in this House—namely, that my duty and wish would be to have a real Army, so far as I

could bring it about. With respect to the latter part of the Question of hon. and gallant Gentleman, I can say that when it is my intention to ask the House into counsel, or to ask its assistance upon any question, I do so after due Notice, and on an occasion when there may be a full discussion upon the question raised. I shall certainly not do this when an hon. Member thinks proper, in a manner which fills me with surprise, to call upon me for a statement at a time when there can be no discussion and no means of testing the accuracy of what I might say.

ARMY—REGIMENTAL BANDS AT POLITICAL MEETINGS.—QUESTION.

MR. HAYTER asked the Secretary of State for War, Whether he is aware that the Band of Her Majesty's 50th Regiment of Infantry headed the Conservative procession into the town of Chelmsford on the occasion of a Conservative gathering in that town during the Whitsuntide Recess; and, if he will state to the House, whether such departure from the Regulations, forbidding the Military taking part in political demonstrations, was sanctioned by him, or by any subordinate officer in Her Majesty's Service; and, if he has sanctioned attendance of Military Bands on such occasions, whether he will state to the House what Bands, if any, of Her Majesty's Regiments quartered at home are available for similar demonstrations on the part of the Liberal party?

MR. GATHORNE HARDY: I very much regret, Sir, to find that the Band of the 50th Regiment was employed on the occasion referred to by the hon. and gallant Member, and I will tell the House how it came about. In March of this year the commanding officer of the regiment was applied to for the use of the band on the occasion of a festival at Chelmsford. He at once gave his permission, and had not the slightest idea that there was anything political connected with the proceeding. When the band went to Chelmsford it found itself at the head of a great procession of carriages, and began to march without playing any tunes. The bandmaster was called upon for some music, and the band then played one or two marches, thus taking part in the procession. I am sure the hon. and gallant Gentleman

suppose that any application was to the Secretary for War on the ; and therefore he cannot suppose that there was any sanction of the thing by me. With regard to the sentence of the hon. and gallant Earl's Question, I can only say that, as I am concerned, the Liberal and the hon. and gallant Gentleman who in the course of his political career has shown considerable skill in that direction—must find and blow his trumpet.

—THE ASHANTEE EXPEDITION—WAR MEDALS.—QUESTION.

EARLDLEY WILMOT asked the Secretary of State for War, if it is the opinion of Her Majesty's Government to award a clasp with the medal for service on the Gold Coast to those officers and men who were in engagements with the Ashantees after the late war broke out before the arrival of the European Forces on the Coast; and, if it is the opinion of Her Majesty's Government to recommend the conferring of the Victoria Cross upon Sir Francis Hastings for distinguished gallantry in India?

GATHORNE HARDY: Sir, in answer to my hon. Friend, I will read the General Order which has been issued in reference to the first part of the hon. Member's Question—

"The Queen has been graciously pleased to give her pleasure that a Silver Medal be awarded to all Her Majesty's Forces who have been employed on the Gold Coast during the late war against the King of Ashantee, with the exception of those who were present at the battle and the actions between that place and the Ashantees (including the capture of the capital), those who, during the five days of those operations were engaged on the north of the Prah River in attacking and protecting the communication of the main Army."

With respect to the second part of the Question, no recommendation has been made yet before the Commander-in-Chief with respect to Sir Francis Hastings, and no such step as my hon. Friend suggests will be taken.

EARLDLEY WILMOT: The Answer we have just heard being in no way satisfactory, I shall on an early day draw the attention of the House to the matter, and move a Resolution.

ARMY—MILITIA BARRACKS AT WORCESTER.—QUESTION.

MR. CLIVE asked the Secretary of State for War, When the Militia Barracks at Worcester will be finished; and, whether the Militia Barracks at Hereford will hereafter be required for the purposes of the county regiment?

MR. GATHORNE HARDY, in reply, said, the Militia Barracks at Worcester would probably be finished in two years. There was no intention in the meanwhile to interfere with the present arrangements.

WAYS AND MEANS—ALLOWANCES FOR POLICE LUNATICS, AND LOCAL AUTHORITIES.—QUESTION.

MR. WHEELHOUSE asked Mr. Chancellor of the Exchequer, When, and in what way does he propose to carry out the promised allowance for police, lunatics, and to local authorities?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the allowances mentioned in the Question of the hon. Member would have to be provided by Votes to be brought forward in Committee of Supply and in Supplementary Estimates which would be forthcoming as soon as the sum necessary had been ascertained. That would probably be in the month of July.

PARLIAMENT—PUBLIC BUSINESS.

COLONEL BARTTELOT said, that, after the startling statement of the Prime Minister that there were still seven Bills of great importance to be brought forward in the present Session, he should, on Monday next, ask his right hon. Friend as to the course he intends to take with regard to Public Business.

PARLIAMENT—THE GALWAY WRIT. QUESTIONS.

MR. CONOLLY said, he wished to ask the hon. Member for Limerick, Whether, in pursuance of his Notice, he intends to move that a New Writ be issued for the Borough of Galway in the room of Mr. Francis Hugh O'Donnell, whose election has been determined to be void?

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) asked the hon. Member for Limerick to postpone his Motion on the subject until the evidence taken before the Judge at the trial of the Election Petition, which had been laid upon the Table in manuscript, was printed, and hon. Members had had an opportunity of seeing it. No doubt, there was a strong expression of opinion in the Judgment; but, without the evidence, it would be impossible to consider whether any grounds existed for issuing or withholding the Writ.

MR. O'SHAUGHNESSY said, that after the statement of the right hon. and learned Gentleman, he would willingly postpone his Motion on this subject; but trusted that the right hon. and learned Gentleman would do his best to get the evidence printed, and placed in the hands of hon. Members at the earliest possible moment.

SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. DISRAELI said, that, taking it for granted that all hon. Members who had Notices on the Paper for that evening meant to follow the course which had been adopted by his hon. Friend the Member for Limerick (Mr. O'Shaughnessy), he begged, on the part of the Government, to thank those hon. Members for their courtesy. He would move that the Order for going into Supply be postponed until Monday, so that they might at once proceed with the Committee on the Licensing Bill.

Motion agreed to.

Committee deferred till Monday next.

INTOXICATING LIQUORS BILL.

[BILL 83.]

(Mr. Raikes, Mr. Secretary Cross, Sir Henry Selwin Ibbetson, Mr. Chancellor of the Exchequer.)

COMMITTEE. [Progress 4th June.]

Bill considered in Committee.

(In the Committee.)

Clause 2 (Hours of closing public-houses).

Amendment again proposed, in page 2, line 9, to leave out the word "ten," in order to insert the word "nine."—(Sir Harcourt Johnstone.)

Question proposed, "That the word 'ten' stand part of the Clause."

MR. MELLY said, he had given Notice of an Amendment on the clause, the object of which was, that in towns with a population under 2,500, in districts of the most rural character, the hour of closing public-houses on Sunday nights should be 9 instead of 10; but there was another proposal on the Paper by the hon. Baronet the Member for North Wiltshire (Sir George Jenkinson) which he preferred, and which, for several reasons, Her Majesty's Government might accept, one of them being that the noble Lord who was now Postmaster General (Lord John Manners) brought forward a similar Motion in 1872, and argued it with considerable ability. It was to the effect that, on Sunday evenings in rural districts public-houses should not be re-opened until 7 o'clock, instead of at 6 as the Bill proposed, so that they might be closed at the time people were proceeding to Divine Worship. If the proposition were approved by the Government, that 7 should be the hour of opening and 10 the hour of closing, he would save the time of the Committee by withdrawing his Amendment, and thus obviate the necessity for proceeding to a division on it. That proposition, he knew, would best meet the wishes of the rural gentry, of the clergy and ministers of all denominations, and of a very large majority of the trade who objected to Sunday labour as much as any other class.

MR. ASSHETON CROSS said, he should most decidedly oppose the Amendment of which the hon. Member for Stoke had given Notice; but he promised that when the Amendment of the hon. Baronet the Member for North Wiltshire came under discussion, he would listen attentively to what was said about the matter, and give his opinion to the Committee upon the subject.

MR. MELLY consented, after the division which took place the previous night, to withdraw his Amendment, and leave the matter in the hands of the hon. Baronet the Member for North Wiltshire. In so doing, he believed he would be consulting the convenience of the Committee.

SIR HARCOURT JOHNSTONE said, that with all due deference to the hon. Member for Stoke, he must decidedly

et to the withdrawal of the Amendment, at all events until they heard the hon. Baronet the Member for the Wiltshire some explanation as to his Amendment really meant, and course it was intended to pursue the subject.

GEORGE JENKINSON said, Amendment was, that on Sundays public-houses should be closed from 6 o'clock until 7, instead of from 3 o'clock to 6, as proposed by the Bill, and that they should be open from 7 to 10, instead of 6 to 9. He did not like to have public-houses and the church-doors open at the same time. The Committee would say that if his proposition were carried, the hours during which the houses would be allowed to remain open would be exactly the same as proposed by the Government measure—three hours during the evening, the only difference being that the time would be 7 to 10 instead of 6 to 9. He hoped the Committee would see the matter in the same light as he did, and assist in that view—namely, the prevention of public-houses being open at the same time as the church-doors were open, and the bells ringing for Divine Service. He might add that public-houses always had been open hitherto at 6 o'clock; but the Committee must remember that the present Bill was introduced avowedly to remedy the evils of the existing Act, and the existing state of things, and he hoped we should go forward in the good cause. He objected the licensed victuallers as a body, and many of them had stated that they would be glad if the public-houses were closed altogether on Sundays, therefore he hoped the Committee would assist him in the proposition he would have to make, and here he would refer hon. Members to the Petitions which had been presented to the House the subject of that Bill. He found the Votes that there were two pages and a half of Petitions recorded against the Bill in its present form, and only one page in its favour, and when they read that, and the quantity of letters which had been received in reference to the Bill, he thought the Committee would say he was fairly representing public feeling; if they let the people have a quiet Sunday evening in the rural districts better than to open public-houses at the same time that the church-doors were open for Divine Service.

SIR HARCOURT JOHNSTONE said, that after what had fallen from the hon. Baronet, he must persist in taking the sense of the Committee upon the Amendment of the hon. Member for Stoke. Having first fixed the closing hour, they would then be able to decide what time public-houses should be opened.

MR. GREENE did not think that was the most convenient time to discuss the matter, and he would point out that evening service in rural parishes was a very rare occurrence. When the time arrived, he should move that the hours should be from 5 to 9 o'clock on Sundays, which he thought would meet the convenience of all classes.

MR. BEACH differed from the hon. Member who had last spoken. He could not agree with him that evening service in the country was a rare occurrence; in fact, it had now become very prevalent. The services were held in adjoining parishes at different hours, thus affording greater opportunities for people to attend. He would shorten the hours of keeping open public-houses on Sundays as much as possible; because if they gave those who were weary the opportunity of slaking their thirst, there was no reason why they should unnecessarily prolong the hours and give others the opportunity of remaining drinking in the houses. He should, therefore, vote for both the Amendments of the hon. Member for Stoke (Mr. Melly) and that of the hon. Baronet the Member for North Wiltshire (Sir George Jenkinson).

MR. OSBORNE MORGAN said, he should support the Amendment of his hon. Friend if he went to a division. That was not a question of affording facilities for recruiting strength after a hard day's work, and in his opinion Sunday drinking or "boozing" was a bad thing. He was satisfied that 9 o'clock was quite late enough in rural districts, where, as a rule, people went to bed early.

MR. WHEELHOUSE said, he not only protested emphatically against the statement and the doctrine laid down by the hon. Member for Denbighshire, but he, for one, should be sorry if it were taken out-of-doors that Parliament imagined that every person who went into a public-house on a Sunday evening went there to drink or to "booze." In the North of England it was by no means the custom, and he should be

sorry if it was believed to be so anywhere.

COLONEL RUGGLES-BRISE considered that already labouring people had a strong ground of complaint. It was a very hard case that they should have to wait an hour and a half after the afternoon service before they could obtain beer. The service was usually over about 4.30, and the public-houses were not open until 6. Many of the labouring class lived some distance from the village, and they complained that they had to stay and loiter about all that time in the village before they could provide themselves with beer to take home with them for their supper. It might be said that they could obtain it the previous night; but that was not a convenient plan, and he hoped the Government would be able to provide some remedy to meet the case he had alluded to.

MR. WILSON supported the Amendment, and pointed out that several important towns had already adopted 9 o'clock as the closing hour on Sundays. That had been the case in the largest and third largest seaport towns, and it occurred to him that if the larger towns were satisfied with early closing, it was idle to say that in other places later hours were required.

MR. W. E. FORSTER said, although he had voted yesterday in favour of the hour of 10 as against 9 for the towns, he could not help thinking that the question of shutting up public-houses on Sundays in the agricultural districts at certain hours was a different thing entirely from the practice in towns. It had succeeded very well in large towns and cities, but what its effect would be in the country must be decided by the personal knowledge of hon. Gentlemen themselves. He knew it would be an advantage to shorten the hours in his own locality on Sundays, and the Committee should bear in mind that on other days the time of closing was earlier in the country than it was in the towns. Under those circumstances, he should vote for the 9 o'clock closing as proposed by the hon. Gentleman the Member for Stoke.

COLONEL JERVIS thought it impossible that the Bill could work in its present form, since it contained this curious anomaly, to which he would call the attention of the right hon. Gentle-

man the Secretary of State for the Home Department, that in one parish public-houses were to close at 9 o'clock, whilst in another parish, in many cases, they might stay open until 10. That circumstance gave a great deal of trouble, as men could walk from one parish to another—sometimes there was only a short distance between public-houses in distinct parishes—and get liquor an hour after being turned out of a public-house in the adjoining parish. When Mr. Bruce brought forward his Bill, it was not intended that there should be any distinction made between agricultural and town districts. In fact, the right hon. Gentleman thought it impossible to draw any distinction which would work, as large villages and towns were so close together in this country. He (Colonel Jervis) very much doubted whether there were any such things as purely agricultural districts to be met with in England—the towns and villages lying so close together.

MR. KNATCHBULL - HUGESSEN reminded the Committee that people in the rural districts generally went out for a walk on a Sunday afternoon, and it would be a great hardship if all the public-houses were closed at an hour which would prevent them having some beer on their return. He hoped therefore the Government would stand to their guns, and persevere in keeping the hours as they were specified in the clause.

Question put.

The Committee divided:—Ayes 198; Noes 182: Majority 16.

LORD CLAUD JOHN HAMILTON, in proposing as an Amendment, in page 2, sub-section 3, line 9, to leave out "six," and insert "five," as the hour of opening in the country, said, the question was a very simple one. In the country districts it was still, he was happy to say, the practice for the labourers to do a good day's work. They commenced their labour at 6 o'clock in the morning, and as they often lived long distances from their work, they often had to leave home at 4.30 or 5 o'clock. They were in the habit of taking their dinners with them, and unless they were able to buy some beer before 6 o'clock, the result was, that they had to go without, as they could not obtain any during the day. For-

merely their children might have been seen carrying their meals to those hard-working men, but now, thanks to the operation of the Education Act, those children were more profitably employed in the elementary schools, and could not, therefore, any longer take any beer to them for their dinner, so that the men were absolutely debarred from obtaining the needful refreshment they required. It was no doubt the wish of Parliament to limit as much as possible the opportunities given to men to get drunk; but at the same time the House was bound—and he thought it was the object of the Bill—to give them every reasonable opportunity of obtaining that which in this case was not a luxury, but an absolute necessity of life. He was afraid that if the working classes were debarred from the use of beer they would be tempted to resort to spirits, for they were more able to keep a bottle of spirits in their houses than to get a cask of beer. He remembered that in Dr. Dalrymple's Committee appointed to inquire into the subject of insanity produced by drunkenness, some witnesses from the United States were examined who told them—"You have a great deal of drunkenness in England, and we have a great deal, too, in the United States; but yours merely arises from beer, while ours arises from spirits. So long as your population get drunk on beer only, you need feel no alarm; but Heaven preserve you from spirits!" They must take care, then, to do nothing by their legislation to induce the labouring classes to resort to spirits, instead of the national beverage of beer. In conclusion, he would move his Amendment, and as he thought it a very reasonable proposition, he trusted the Committee would accept it.

Amendment proposed, in page 2, line 9, to leave out the word "six," in order to insert the word "five."—(*Lord Claud John Hamilton.*)

Question proposed, "That the word 'six' stand part of the Clause."

MR. BASSETT supported the Amendment. The 5 o'clock opening had been adopted in the borough which he had the honour to represent, without any disadvantage having arisen from it. The local magistrates were perfectly content with it.

MR. FOTHERGILL likewise supported the Amendment. It was, he said,

simply folly to try and prevent the working classes obtaining that refreshment which they required. Those who took that course actually did not know anything of what they were speaking about. They would legislate for men as they thought they ought to be, but not for men as they actually existed. He had great experience of the working men throughout the country, especially in the colliery districts. Thousands of the men who worked in his colliery district (Merthyr) had to be at their work at 6 o'clock, and it was useless to open public-houses when there was no one to go into them. His experience was that there was very little morning drinking. He was not like many amiable and benevolent Gentlemen who did not know what they were talking about, and spoke of an ideal working man. He knew their work, and never heard of large bodies of them sitting in public-houses and drinking in the morning. A public-house in the morning was the most dreary place in the world to sit in. Of course, there might be exceptions; but, as a rule, working men did not sit there. He expressed the opinion that beer drinking was not so prejudicial as some persons imagined; and whilst he considered public-house beer the vilest stuff imaginable, yet the men liked it, and unfortunately the worse it was the better they liked it. But the men did not suffer so much from beer drinking as they did from spirit drinking. For his own part, he hated public-houses; but he lived amongst a manufacturing population, and he knew their wants; he considered that Parliament should legislate for their needs, and not to please particular fancies. He said, let them not lay down hard-and-fast rules which would drive men to spirit drinking. He was in favour of public-houses opening at 5 o'clock in the morning.

MR. ONSLOW, in opposing the Amendment, said, the argument of the noble Lord its Mover implied that the Education Act was meant to give greater facilities for drinking. He hoped he should give a reasonable vote on the matter, and one which would be for the welfare of the working classes; but he thought it would not be well for the working classes that public-houses should be opened at 5 o'clock in the morning. He thought that beer drinking was not good for men at that hour, and that tea

or coffee would do them much more good. In the borough which he represented (Guildford), where there was a quasi-rural population, two tea and coffee shops had been opened for the convenience of labourers, and they were answering very well. He did not see why the experiment might not be tried elsewhere with equally good results, for men could work quite as hard on coffee, or tea, at that hour in the morning, as on beer.

MR. HAYTER expressed the hope that the right hon. Gentleman the Home Secretary would accept the Amendment of the noble Lord, the effect of which would not in any way encourage drinking amongst agricultural labourers.

MR. GREENE said, that although the Amendment did not affect his constituency, as he understood that it was not to apply to places containing less than 2,500 inhabitants, yet he should support it. He thought that it would be a great boon to the labouring classes. The labourers wanted their beer before they went to their work, and he believed that if they were allowed to have it, it would tend to sobriety. If they were unable to take their beer before they left home, they would club together when they were at work, and send for beer, and thereby drink more than they would if they could get it before they left their homes. Although he did not represent a county, he represented a large place, and he was quite convinced that what had been said by the hon. Gentleman opposite (Mr. Fothergill) was quite right. He thought that if those who wanted refreshment were to confine themselves to beer, no great damage would be done; but it was the spirits, and not the beer, that did so much mischief. He had heard of a place of amusement having a notice which said—

“My friends, walk in here;

Nothing does excel the music but the beer.”

He thought that beer was necessary for the labouring classes, and he should therefore vote for the noble Lord's Amendment.

MR. D. DAVIES said, he was very sorry to differ from the opinion which had been expressed by the hon. Member (Mr. Fothergill). He thought, however, he knew as much upon that subject as the hon. Member for Merthyr. Having had experience as a working man, a farmer, a railway contractor, and a colliery proprietor, he could say that working men

did not require the public-houses at 5 o'clock in the morning. He had been a working man himself, and not only that, but an employer of labour as well. The workmen of the hon. Member for Merthyr (Mr. Fothergill) did not go to their work before 7 o'clock in the morning, and they could get their beer from the public-houses, if they required it, at 6 o'clock. It had been said that the men would stay drinking in the public-houses until 11 o'clock at night, and would get up again at 5 o'clock in the morning in order to recommence drinking. Now, if the working men were going to stop drinking until 11 at night, and if they were going to get up at 5 o'clock in the morning to drink beer again, he would like to know when they were going to sleep? He was sure six hours was not enough for a working man's sleep. If he was going to do his employer justice, he must have seven and a-half hours' sleep at least. That was his experience as a working man. He was proud to say that he had been a working man himself, and he spoke from a working man's point of view; and it was not common sense to hold otherwise than that that rest was too short. There was another thing that his experience taught him, and that was that if the public-houses were open the men would go in before they went to their work, and get drunk before they reached their work, and some would not go to work until the day after. That was his experience in many instances. He would stick up for the working man as much as anyone; but when that extension was asked for him, he must say that he thought it was not needed. Was it common sense to ask the publican to open at 5 o'clock in the morning in these days of short hours all round? He thought not. He must congratulate the Government on the shape the Bill was taking, and he cordially thanked them for it. He must say that he did not much like the look of it at first; but it seemed to have got round to common sense at last. He presented 45 Petitions yesterday against the Bill. He had received, he might say, baskets full in favour of amending the Bill as it was; but, with the exception of what had been done by the last vote, the Bill was in the right direction, and what the country desired.

MR. ASSHETON CROSS said, they had the whole argument on that subject

Mr. Onslow

over last night. It was precisely the same argument. His experience of his own part of the country (Lancashire) was that it was the labouring man's wife or child who took his dinner to him when at work, consequently his glass of beer—which he hoped he would always have—would be much fresher if taken to him by his wife, than if he himself obtained it at an early hour in the morning, and carried it with him to his work; and he hardly thought that the opening of public-houses at 5 o'clock in the morning was needed. He would like to remind the Committee that the House last night decided against precisely the same question by a majority of 382 against 52. He therefore hoped the noble Lord would not press his Amendment.

MR. HEYGATE said, he begged to remind the Committee that there was a good deal of difference between the question referred to, as decided last night and that now under discussion. In the county which he had the honour to represent there was an almost unanimous opinion against late hours at night, and in favour of an early opening in the morning in rural districts, and he thought that the wish for it was a fair one. Whatever might be said by the hon. Gentleman opposite (Mr. Davies) as to the working classes not requiring it in mineral districts, where men worked short hours and drank champagne, the hon. Member would find that in agricultural counties, the work commenced very early; at certain periods of the year, especially in harvest time, the work began at a very early period of the day, and the labourers were compelled to take their beer with them for the day on their way to their work. He regretted the right hon. Gentleman refused to make this concession, which he maintained was different from that rejected by the Committee on the previous evening, and he hoped, therefore, the noble Lord (Lord Claud John Hamilton) would take the sense of the Committee upon the Motion.

MR. STARKIE said, it seemed to him that every hon. Member's opinion upon this Bill had been arrived at more or less hurriedly; and if in a short time they had an opportunity of going down into the country and addressing their constituents, they would find a difference of feeling as to what had transpired

in that House. With regard to this particular Amendment before the House, he thought the noble Lord who moved it (Lord Claud John Hamilton) had some principle to guide him. With respect to the hour of 5 o'clock—which was the Amendment proposed by the noble Lord—instead of 6 o'clock, he saw that he had some principle, because the Committee had heard what had been said upon the requirements of the agricultural labourers wanting their beer before they commenced their early work. Now, he could understand the case of the agricultural labourer, and he would vote for that; but the hour of 6 he did not understand, because it was neither one thing nor another. He should very much like to see the hour of 7 inserted in the Bill instead of 6, because he was speaking for a large population, which was almost entirely a colliery population. Their employers did not want them to have drink before they went to their work. It was, no doubt, true that when the working classes had been enjoying themselves a little over night, the next morning they were very much inclined to take "a hair of the dog that bit them," and then, instead of going to work, they stopped boozing about for another day. He could answer for the district to which he belonged that they never heard a single word of grumbling when the magistrates altered the hours to 7 in the morning and 11 in the evening. He must say that he should very much like to see that universal hour of 7 o'clock adopted throughout the whole country, except in the metropolis of London. He had merely addressed those few remarks to the House, because when he had an opportunity of meeting his constituents, he could tell them what he really thought was the best for the country, and could tell them that he asserted his opinion in that House. He should certainly not vote with the noble Lord, because he should vote for 6 o'clock, for it was nearer his (Mr. Starkie's) hour than the noble Lord's.

MR. KNATCHBULL-HUGESSEN said, that the argument of the Home Secretary really did not meet the question. A great number of the wives of working men could not bring their meals to them on account of the distance and other engagements at home; and he feared that the result of adopting 6 as the hour would be that, in many cases—

since beer drawn over-night would not be good, and they were debarred from getting fresh in the morning—men would substitute for beer, spirits, which would not deteriorate by being put in their bottles over-night.

MR. WELBY believed that to open the public-houses at 5 o'clock in the agricultural districts would be a concession to hard-working men which would lead to no evil results.

GENERAL SHUTE said, he only wished to say that the Hove bench of magistrates upon which he had the honour of sitting had fixed the hour for opening the public-houses at 5 o'clock for the last two years, with the greatest possible advantage. There was a great deal of building going on at the extreme west of Brighton, and a vast proportion of workmen who went there, had a distance of one, two, or three miles to walk. He could assure the House that there had not been the slightest objection to the hour of 5. On the contrary, it had been of the greatest possible advantage to the labourers, and had not in any way increased drunkenness. He founded this statement not merely on his own knowledge as a magistrate, but during the late Whitsun Holidays he had made special enquiries of the Hove police, who one and all endorsed this opinion. If the Amendment was adopted, he was quite sure that the concession would be followed by no evil results whatever. He did not ask it for the class of men who had been spoken of by the hon. Member opposite (Mr. Davies); but he asked it for a class of men who went out to work early in the morning, and who did want that concession.

MR. STORER thought it exceedingly hard that the labouring classes should have an hour cut off each end of the time in which they could get refreshments. He thought the constituency of the hon. Member for Cardigan (Mr. Davies) must be an eccentric lot. He could not agree with the hon. Member for Guildford that coffee was as good as beer, and he thought that if the hon. Member would poll his agricultural constituents they would tell him another and a different story.

MR. ASSHETON CROSS: What I said the other night was that, a case having been made out, I would prepare a clause for the agricultural labourers giving the magistrates special power to

grant exceptional licences at harvest time. I have had a clause drawn with that object which I will submit to the House, so that the agricultural labourer shall have time to get his beer during the harvest. This provision will, I think, meet the case of the agricultural labourers.

COLONEL JERVIS said, there was one question he should like to ask of the Home Secretary—What was to become of the fishing population? They did not get 7½ hours sleep, but sometimes only two or three. Did the Committee suppose it possible for the wives or daughters of the fishermen to take them their beer? With the fishing population it was not a question of 5 o'clock or 6 o'clock, but it was a question whether the men who went fishing should have fresh beer or stale beer.

MR. RATHBONE said, that in certain parts of the country the magistrates had taken the hour of 5 o'clock. That was, he believed, the hour that was generally fixed in the agricultural districts. Why should not the hours which had been fixed in the different parts of the country by the magistrates be adopted in the Bill? Those hours had been fixed by the different benches of magistrates to the perfect satisfaction of their neighbourhoods. The hours would then be fixed by Act of Parliament, and they would carry out the object of the right hon. Gentleman the Home Secretary by doing so.

LORD CLAUD JOHN HAMILTON said, he was sorry that the Home Secretary felt that he could not accept his Amendment. He thought that it was a matter that ought to be settled by a vote of the House. As to leaving the magistrates to fix the hour, what chance would there be of a bench of magistrates composed of men holding the views of the hon. Baronet the Member for Carlisle opening the public-houses at 5 o'clock. The right hon. Gentleman the Home Secretary thought fit to base his refusal to accept the Amendment on his experience of Lancashire. Lancashire, as they all knew, was a manufacturing county, and the people had not to go the same distance to work as they had in agricultural counties. The wives of the labourers in Lancashire might be able to carry the beer to their husbands, but in the Eastern Counties that was impossible. The time of the women in the

ra Counties was mainly engrossed
ling to the population, and they
not expect a woman to go to her
nd with a baby under one arm and
le of beer under the other. After
inions expressed by so many hon.
ers in favour of his Amendment,
st trouble the Committee to divide.
RUSSELL GURNEY said, he
ot understood the hon. Member for
ool (Mr. Rathbone) to recommend
he hour of opening should be left
discretion of the magistrates, but
he Committee should adopt the
which they had found convenient.
eared that in agricultural districts
our of 5 had been generally
ad.

sition put.

Committee divided:—Ayes 319;
24: Majority 225.

ASSHETON CROSS: I propose
pt the Amendment placed on the
, to leave out "eleven" and insert
' in line 11 of the clause. That
rry out the understanding which
ommittee has arrived at already
egard to the closing hours.

EARDLEY WILMOT said, that
l an Amendment on the Paper in
ace to closing in rural districts con-
g populations not exceeding 2,500
tants, and he should like to lay
the Committee his reasons for the
ition he wished to make. He
it that the hours of closing should
o'clock from the 29th of September
25th of March, and 11 o'clock from
th of March to the 29th Septem-
His constituents in South War-
ire were quite capable of under-
ng the Bill of his right hon.
l, notwithstanding the observa-
of the hon. Member who had last
1. They objected to the magi-
having a discretionary power
eference to the hours of closing,
nquisitorial power being placed in
ands of the police, and to the
-houses and beer-houses being on
rent footing; and hence it was
approved of the Bill before the
. He was glad to find that the
entleman the Member for Cardigan
avies), who was so well acquainted
he working classes in that part of
ntry, was also perfectly satisfied
he Bill. He certainly preferred

the practical views and knowledge of the
hon. Member for Cardigan to the philo-
sophical and abstract views of the hon.
and learned Member for Oxford. The
Home Secretary having agreed to uni-
formity of hours for closing public-
houses and beer-houses rendered it un-
necessary that he (Sir Eardley Wilmot)
should refer to that subject; but what
he did hope was that, as that difficulty
had been removed, the right hon. Gen-
tleman would agree to the time of closing
in the rural districts being 11 o'clock in
summer and 10 in winter. In the winter
months the agricultural labourer re-
turned home at 5 o'clock or earlier, and
before 10 the agricultural villages were,
in most cases, literally asleep. It was a
great expense to a publican to keep his
house open in a rural district till 10
o'clock, having to burn candles or gas
and keep up fires, with, perhaps one
solitary individual sitting in the chimney
corner smoking his pipe, with a pint of
beer. He saw no reason why the pro-
position of the right hon. Gentleman
should not be carried out as regarded
the winter months, but thought 10
o'clock was too soon to close in the
summer, as the labourers often worked
till 9 or 9.30. As the hon. Member for
Rochester (Mr. Wykeham Martin) had
told them, the men worked at the allot-
ments in the months of June and July,
when the days were long, and 10 was
too early an hour to close in those
months. The labourer not only had his
allotments, but sometimes took a little
recreation in the shape of cricket, and it
would be hard if he could not get a
little refreshment after his day's work or
play had ended.

SIR GEORGE JENKINSON rose to
a point of Order. He wished to ask
what Question was before the House?
The Home Secretary had proposed that
10 o'clock should be the hour of closing
in rural districts, and the hon. Baronet
seemed not to be speaking to that ques-
tion, but to a subsequent Amendment
which stood in his name.

THE CHAIRMAN: The question is,
That the word "eleven" should stand
part of the clause; and I apprehend the
hon. Baronet is addressing himself to
that part of the Question.

SIR EARDLEY WILMOT said, the
point he was considering was, whether
the hour of closing in rural districts
should be 10 or 11, and therefore he

thought he had been strictly in Order. After what had been said by the right hon. Gentleman the Secretary of State for the Home Department, he would not move his Amendment.

MR. J. G. TALBOT said, he had an Amendment upon the Paper, that in all rural districts the houses should close at 10 o'clock every night in the week. There was, however, a little practical difficulty in places where the population exceeded 2,500. In the county which he had the honour to represent (West Kent), there were, owing to peculiar circumstances, districts of precisely the same character as regarded the character of population; but in some cases the number happened to be above 2,500, whilst in others it was far below. The numbers of the population did not afford a perfect criterion as to the best way of regulating the hours. He thought, therefore, that some better definition of what rural districts were to be considered to consist of was required, and would suggest that in addition to "rural districts" the words "which are not towns" should be inserted in the clause. That would more clearly show where the 10 o'clock rule was to apply. He hoped the matter would be considered upon the Report.

MR. ASSHETON CROSS understood the desire of the Committee was, that in all cases where the beer-houses closed at 10 o'clock, the public-houses should close at the same time, and that that was confined to rural districts.

MR. J. G. TALBOT thought that that would not be quite satisfactory. Populations of precisely the same character and with the same requirements would not be placed on an equal footing, as the district which exceeded the limit, although adjoining one that was below it, would come under a different rule, and be later than the adjoining one which was below the limit. The Bill dealt with three classes of population—the metropolis, the towns, and the rural districts having each a distinct hour.

MR. WYKEHAM MARTIN agreed with the hon. Member for West Kent that some alteration was required in the proposal before them. He instanced the case of adjoining parishes, the houses in which would close at different hours, as the population of one of them exceeded the limit laid down. The public-houses would close in one parish at 10, and

another house, perhaps half-a-dozen yards away, would keep open till 11. The system of allotment referred to by the hon. Gentleman who preceded (Sir Eardley Wilmot) was carried out to perfection by the agricultural labourers in the district he represented. The agricultural labourers were very much attached to those allotments, and the system had a good effect upon them. They remained at work in the present season so late as a quarter or half-past 9 o'clock, and as the allotments were purposely placed at a distance from the public-houses, the men could not get there in time to have a glass of beer to quench their thirst if the law directed the closing hour to be 10 o'clock. As a rule, the men were by no means given to drunkenness. Since last evening he had endeavoured to calculate the number of people he had seen intoxicated from the 1st of January to the present time (June 5), including the first night during which he was engaged in canvassing a district of 220,000 during a period of election excitement. They did not exceed five, two being together during the Whitsuntide holidays and three at contested elections.

MR. GREGORY thought the hon. Members for West Kent and Rochester could hardly contemplate the difficulty there would be if the Government were to define each rural district. The fact was, there could be no better test than population, and they could not legislate for exceptional cases.

Amendment agreed to: "eleven" struck out; "ten" inserted.

MR. SANDFORD, in moving an Amendment, to the effect that on Sunday afternoons public-houses wherever situate should remain closed from 3 to 5 o'clock, instead as the Bill proposed from 3 to 6, said, he should, in the first instance, propose the omission of the word "six." That was a subject on which his constituents felt strongly, as the closing at 5 o'clock would materially interfere with their comforts.

Amendment proposed, in page 2, line 14, to leave out the word "six," in order to insert the word "five."—(Mr. Sandford.)

Question proposed, "That the word 'six' stand part of the Clause."

Sir Eardley Wilmot

MR. ASSHETON CROSS: If the word "six" be struck out, then the Committee will have to consider how the blank is to be filled up, whether by the insertion of "five" or "seven." As a second Amendment appears on the Paper to extend the closed time on Sundays by an hour, by substituting "7" for "6," it would be, perhaps, as well, with a view to save time, to discuss the two Amendments together.

SIR CHARLES W. DILKE considered that closing public-houses on the Sabbath from 5 to 7 o'clock would greatly incommode those who were known as Sunday excursionists. If the House desired to persevere in its action of putting down Sunday excursions, the better course would be to do it by direct rather than indirect means. Besides, the alteration of hour either as proposed by the Bill, or now contemplated by the Government, would act most injuriously on the owners of a number of well-conducted public-houses in the neighbourhood of large towns. If the hour of 7 were adopted, it was his belief that a large amount of spirits would be bought by excursionists and carried about with them, so that they could consume it between the hours of 6 and 7. He hoped the Home Secretary would, in considering this question, not overlook that view.

SIR GEORGE JENKINSON said, he should certainly urge upon the Government to adopt his Amendment, keeping public-houses closed from 3 to 7 o'clock; for when the word "six" was omitted it would practically become a question between 5 and 7. Three hours, from 7 to 10, it must be obvious to the Committee, were quite sufficient to let remain; but if 5 o'clock were the hour fixed, there would be given a spell of five hours' drinking. No person in that House, he thought, could stand up and say that five hours were required for any body of men to drink in public-houses on Sunday evenings. He was desirous that public-houses should be open so long as they were required for a reasonable accommodation of the public on Sundays, but no longer; and that was the view held by respectable licensed victuallers themselves, the large majority of whom felt that on the Sabbath they should have as many hours of rest from business as possible, and that they ought to be kept at home the smallest

number of hours consistent with the convenience of the public. He had had a large number of Petitions from licensed victuallers requesting him to advocate the shortening of hours during which public-houses were to be kept open on Sundays, but he had not had one word said to him nor had he received a single Petition in favour of these houses being allowed to open at 6. There was a strong feeling in his district that the facilities for the sale of drink on the Sabbath should be diminished rather than increased.

COLONEL BARTELOT hoped that the right hon. Gentleman would adhere to the medium course, and make the re-opening hour 6 o'clock. That hour would give the greatest satisfaction to the country at large.

MR. EVANS said, he would support the hon. Baronet's Amendment. He thought three hours for remaining open on Sunday nights was quite sufficient. As regarded Sunday excursionists, whose case the hon. Baronet the Member for Chelsea had pleaded, it was sufficient to say that they came under the *bonâ fide* traveller question.

MR. W. E. FORSTER said, that he intended to vote for the Amendment of the hon. Baronet the Member for North Wilts; but wished to explain that he should be compelled in the first place to go into the Lobby with the hon. Member for Maldon to vote for the elimination of the word "six."

MR. J. G. TALBOT said, that on this question the wants and requirements and the enjoyment of the publicans ought to be consulted. He believed that if they were polled from one end of the country to the other they would be found in favour of the opening hour on Sunday evenings being 7 o'clock.

MR. HUNT said, he would remind the right hon. Gentleman opposite (Mr. Forster) that he would run some risk in voting to strike out the word "six," as "five" might ultimately be substituted, and he would therefore recommend him to vote with the Government in favour of 6 o'clock.

MR. LOCKE said, he should be glad to know whether the Government were disposed to go farther. Perhaps the Home Secretary would inform the Committee what hour they were prepared to support.

MR. HUNT: Six o'clock.

COLONEL LEARMONTH said, he had had opportunities of seeing a great number of provincial people, and they had all of them expressed to him their desire that 5 should be the hour of opening. The churches were over at 4 o'clock, and it was felt as a great inconvenience that people should have to wait so long for their afternoon beer. For this reason he was anxious to have the hour fixed at 5.

MR. DODSON said, he should like to know what the wishes and the intentions of the Government were in the matter? He was himself prepared to accept 7. Undeterred by the alarm caused by the reply of the First Lord of the Admiralty, he should vote against 6 with a view of making it 7.

MR. ASSHETON CROSS said, he certainly understood that the last vote was taken on the understanding that the Government would support 7. He himself was personally in favour of 7, but his right hon. Friend the First Lord of the Admiralty was not in the House when he made that statement. Many hon. Gentlemen who voted for the extension to 10, did so on the understanding that the hour of opening would be 7.

MR. KNATCHBULL - HUGESSEN said, he did not know why the hon. Baronet (Sir George Jenkinson) should wish to make the opening hour 7 o'clock. Though himself in favour of 5, he thought the compromise contained in the first proposal of the Government was a course sufficiently satisfactory.

MR. DODSON observed that he understood that the Government were going to vote for the omission of 6, with a view to the insertion of 7.

MR. ASSHETON CROSS said, that that was what he intended; and he knew that on that ground many hon. Members sitting behind him voted with the Government in the last division.

MR. KNATCHBULL - HUGESSEN wanted to know whether the Government meant to leave this an open question, or to throw the whole weight of their influence into the scale?

MR. SANDFORD wished to know what course the Government were going to take? Were they going to vote for striking out 6?

MR. ASSHETON CROSS: Yes.

MR. GREENE said, he presumed hon. Gentlemen would vote on that

question as they thought fit. If 7 were made the hour instead of 6, he thought it would be one of the most unjust things that was ever done. He trusted the Committee would not do such a thing.

COLONEL SIR JAMES HOGG hoped that 6 would remain. If it were taken out, he should be driven to vote for 5.

MR. SANDFORD said, that as the Government had changed their tactics, he should change his, and he should therefore withdraw his Amendment for striking out six, if the Committee would allow him.

Question put.

The Committee *divided*:—Ayes 68; Noes 216: Majority 148.

Question put, "That the word 'five' be there inserted."

The Committee *divided*:—Ayes 38; Noes 211: Majority 173.

SIR GEORGE JENKINSON said, that as the Committee had decided both against 5 o'clock and against 6 o'clock, he would now move, in page 2, line 14, to leave out "six," and insert "seven."

SIR WILLIAM HARCOURT, speaking in the interest of the public rather than in that of the publicans, asked the Committee what they meant to drive the people to on Sundays? If they meant to drive them into church at 3 o'clock, would they keep them there until 7 o'clock?—he understood the hon. Baronet wanted to keep them there until 7 o'clock. [Sir GEORGE JENKINSON: No, no!] Why, it was well known that the people who went to church at 3 o'clock left it long before 7 o'clock came? He should like to know from the Home Secretary what effect the 7 o'clock proposal would have upon the Bill in respect to private drinking, and the bottle system about which he had given them such an earnest warning. It was true they might carry their Bill by large majorities; but he would remind them that the opinion of the House was not absolute in these matters. The Act of 1872 had been carried by much larger majorities than had voted that evening; but as it did not agree with the views of the public, it had now to be amended. In the same way that measure, instead of being a final settlement of the question, would have to be hereafter altered. If the

right hon. Gentleman insisted on having 7 o'clock inserted in the clause it would produce much dissatisfaction, as an attempt to alter the habits of the people, who would not be driven to church by Act of Parliament.

COLONEL DYOTT said, he entirely agreed with what had fallen from the hon. and learned Gentleman the Member for Oxford City, and had to express his extreme surprise at the conduct of Her Majesty's Government, which was not only disappointing to the country, but likewise to their own party. He (Colonel Dyott) represented a cathedral city, and his constituents were perfectly satisfied with the Bill as originally drawn. It had been distinctly stated that they intended to abide by 6 o'clock, but nevertheless when the Question was put, they thought it their duty to go into the Lobby and vote against it. There was little more to be said, except that that vacillation would give them a shake from which they might not be able to recover, for although they had a majority now they might not always have it.

MR. LOCKE said, he recollected distinctly that the right hon. Gentleman the First Lord of the Admiralty assured the House that he would vote for 6 o'clock, and therefore it was to be supposed that the other Members of the Government would do likewise. It was not until the Secretary of State for the Home Department had put the matter right, that the Committee knew the Government had adopted the hour of 7. In his opinion, it was a sad thing that the Government should allow themselves to be led away by persons who had particular crotchets, or who, like the hon. Baronet, had strong religious feelings, and who thought that on that account they had a right to interfere with everyone else. If the hon. Baronet wished to go to church at 3 o'clock, there was not a single Member of the House who would deny him the pleasure of remaining there until after midnight, if he pleased, clothed in sackcloth and ashes. He (Mr. Locke) was always delighted when men had the opportunity of practising their religion freely and without restraint; but he would not bear with any man who would presume to interfere with him in his religious practices, nor could he allow him to dictate to him what he should drink and what he should eat, or of doing so whenever he liked.

He was sorry to see the other side of the House going in for harassing legislation, indeed he was surprised to find that sort of legislation favoured by the other side. They had almost been extinguished by legislators of that kind in the last Parliament. Many of them had been got rid of, thank Heaven; but it was an awful thing to see the other side of the House following in their footsteps. He was also surprised that the right hon. Gentleman should have changed his mind, and upset that of the right hon. Gentleman the First Lord of the Admiralty in consequence of the eloquence of the hon. Baronet the Member for North Wilts, which had induced him to adopt these hours. That eloquence had had no effect upon him (Mr. Locke), and he hoped the right hon. Gentleman would disregard it. If he came to his senses, and got rid of harassing restrictions, the Bill would pass in a form acceptable to the country.

MR. W. E. FORSTER said, it was true the right hon. Gentleman the Home Secretary had made a concession; but his right hon. Friend had only done exactly what might have been expected from a man of his personal honour. That was not a party question. In the previous debate there had been a weighty expression of opinion in favour of an earlier hour, and the real question to be decided was not a party matter, but what was the best time. He could sympathize with the hon. Member for Southwark (Mr. Locke), who had probably consoled himself for being in Opposition, by the belief that he would be in a majority on questions of this kind. But this question was before the country at the last Election, and the result showed that the feeling of the country was in favour of the course which, in making this concession, the Government were now pursuing, and which alone could lead to a final settlement of the question.

MR. WATNEY said, that in 1872 the hours were fixed by a compromise, and the closing time was fixed at from 3 to 6 on Sunday afternoon, which was in point of fact, a reduction of one hour upon the time the houses were allowed to be open up to that period. It was now proposed to take off another hour, and he did not believe the working men would stand it. If men could not get refreshments in a regular way, they

would get them by stealth—that was to say, they would travel a short distance and obtain liquor under the disguise of *bond fide* travellers, which would bring about most mischievous results.

MR. ASSHETON CROSS said, he should be sorry if any of his hon. Friends thought that the Government had disregarded their views; but when the question was under consideration as to whether the time of closing should be 9 or 10, he referred to the Amendment of the hon. Baronet the Member for North Wilts, and suggested that the two questions should be discussed together. During that debate he heard no strong expression of opinion in opposition to the proposal, and on the division a large proportion of hon. Members who usually supported the Government voted against them. Having on that occasion stated that the proposition would meet with acceptance at the hands of the Government, he was sure no one would suppose that the promise could be retracted.

MR. KNATCHBULL - HUGESSEN recalled to the Committee what had really happened. Upon the question of closing at 9 instead of 10 being debated, the Home Secretary had called attention to an Amendment about to be proposed, the object of which was to close from 3 till 7 instead of from 3 till 6, and had wished both subjects to be argued together, saying that he thought a stronger case could be made for that Amendment than for the 9 o'clock closing—that was, for taking off an hour at the beginning rather than at the end of the evening. But he had not promised to support that Amendment, and he (Mr. Knatchbull-Hugessen) had heard with considerable satisfaction the First Lord of the Admiralty, who had not been aware of the previous speech of the Home Secretary, saying that 6 o'clock was the best hour. If the Committee should divide, he would go into the lobby against "seven" being inserted in the Bill. He believed that the Government were going now to impose another unnecessary restriction, and he felt confident that if they persisted in this course, they would incur the risk of running counter to the feelings of the great mass of the population, though they might please for a certain time a number of gentlemen who were opposed to all drinking.

MR. LAIRD thanked the Government for accepting the Amendment; and said that in Birkenhead they had tried the hours of 6 to 9, and the result was, they were convinced that 7 to 10 would be the more suitable hours.

MR. FIELDEN expressed his surprise that the Government should favour such a proposal. That question had never once been referred to during the late General Election, in fact, no one for a moment supposed that there would be any attempt to shorten the hours on Sunday evenings. He ventured to say that if it had been for a moment imagined that the Government would favour a proposal to keep the houses closed on Sunday evenings until 7 o'clock, the right hon. Gentleman and his Colleagues would not have occupied the position they now did upon the Treasury bench. The Committee would remember that some years ago Colonel Wilson-Patten proposed to curtail the hours; but such a strong public feeling was raised against it that a Select Committee had to be appointed, which reported against the restriction, and it was abandoned, otherwise he (Mr. Fielden) believed great disturbances would have taken place. He had no doubt whatever that disturbances would occur now if that proposal were adopted. If the Government were determined to carry these restrictions upon the social habits of the people, let them set an example and begin at the top. Why did they not close the clubs, and why should not the bar of the House of Commons be closed at 11 o'clock? If they did that, he should believe they were really in earnest; but until they did so, he, and, no doubt, working men also, would look upon their professions as mere hypocrisy, and as tending to deprive the working classes of that which they looked upon as being good for them, while the wealthy were allowed to do as they pleased.

MR. ASSHETON CROSS said, that no specific Amendment relating to the point had been placed by any hon. Member on the Notice Paper, and that, therefore, it could scarcely be adequately discussed at that moment. He should, however, take care, if the clause were agreed to, carefully to consider the matter before the Report, when there might be a full discussion upon it.

LORD EDMOND FITZMAURICE believed that in all the country districts

—and he referred more particularly to Wiltshire—there was a general feeling in favour of the Amendment, and therefore he should give it his support.

MR. RUSSELL GURNEY said, the Government could not have pursued any other course than that which they had taken, and that it was the working men themselves who asked that further restrictions should be imposed. He thought the hours proposed would be to the advantage both of the country and the trade, and thanked the Government for adopting them.

MR. GOLDSMID said, that when Lord Aberdare had brought in his Bill, he (Mr. Goldsmid) had voted against all restrictive proceedings; but the present measure was even more restrictive than that introduced by the late Home Secretary. He considered that the fairest thing which the Government could do would be to leave the hour a blank, and let the question be fully discussed on the Report.

MR. DODSON said, the course recommended by the hon. Gentleman who had last spoken could not be adopted, because there would then be a blank, and the clause would be left absolutely without meaning. Several hon. Members had spoken of the proposal before the Committee as a great and decided restriction; but, in fact, it was only the substitution of one hour for another—a later hour for an earlier—7 and 10 instead of 6 and 9.

MR. LOCKE considered the argument of his right hon. Friend who had just spoken as a most extraordinary one.

LORD FRANCIS HERVEY wished to know, whether the Government would consent to substitute 6 for 7 o'clock, when the question came to be reconsidered before the Report?

MR. ASSHETON CROSS considered that the best course to be adopted was for the Committee to consent to the insertion of the word "seven;" and the Government would fully consider the matter before the Report was brought up.

Amendment agreed to; the word "seven" inserted accordingly.

MR. RUSSELL GURNEY rose to a point of Order. He had heard the cry of "No" repeated to the last moment.

THE CHAIRMAN said, that he had announced his opinion that he thought

the Ayes had it three times. It was challenged loudly the first time, but not so loudly the second time. After an interval he declared it again for the third time, and the decision was not then challenged.

MR. WATNEY said, he had challenged the hon. Gentleman's decision, and thought the Committee were about proceeding to a division.

MR. GOLDSMID said, that if that was the case, the cause was that a number of hon. Members tried to drown the "Noes," by shouts of "Agreed, agreed."

MR. KNATCHBULL - HUGESSEN said, that he did not hear that the third announcement of the Chairman was challenged by hon. Members, and that in any case it was a mistake which would injure nobody, as Government had promised to give the question full reconsideration before the Report.

MR. FIELDEN said, that on each occasion he had challenged the decision of the Chair.

MR. DODSON said, that he was near to the Chairman when he made the announcement for the third time that the "Ayes had it," and he certainly did not hear that announcement challenged. It would now be out of Order, however, to continue a discussion on the subject.

SIR JOHN KENNAWAY thought that there would be a great deal of advantage in securing uniformity of time in reference to the working of the measure. And with a view to that object he would propose as an Amendment, in page 2, after line 14, to insert—"The hours above mentioned shall be reckoned according to the time kept at the Royal Observatory at Greenwich."

MR. GOLDSMID asked, whether the hon. Baronet proposed that the public-houses should be connected with the Observatory at Greenwich in order to ensure their uniformity.

SIR JOHN KENNAWAY said, there would be no occasion for that, as all the railways now were regulated by Greenwich time.

MR. ASSHETON CROSS said, that for several reasons he should have liked to have adopted the Amendment; but he was afraid that most of the publicans, who were the parties concerned, had not the most remote idea of what Greenwich time was.

Amendment negatived.

On Motion of Mr. SECRETARY CROSS, Amendment made in page 2, lines 13, 15, and 20, by substituting the words "such premises" for the word "public-house."

MR. LAIRD, in moving, as an Amendment, to add at the end of the clause, as a separate paragraph, the following Proviso—

"Provided, That in such municipal boroughs or Improvement Act districts as contain a population of twenty thousand or upwards, houses licensed for the sale of intoxicating liquor by retail shall be kept closed on week days until seven o'clock in the morning,"

said, he had been a large employer of labour, and had taken considerable interest in the question. When he first commenced business he had from 100 to 200 men in his employ, and further on he had as many as 4,000 men working for him at once. He knew the difference between the opening of public-houses early in the morning and at 7 o'clock, and the result at which he had arrived was, that work was better done, and that the men were better in themselves, through the habit of some of them to drink in the morning not being gratified. He had personally consulted many working men on the subject, and they were one and all of opinion that it was better for public-houses not to open until 7 than at 6 o'clock. The question of keeping public-houses closed until 7 o'clock in the morning had also been exhaustively considered by working men at Birkenhead, and at three open-air meetings they had passed resolutions in favour of the hour of 7. The religious bodies in Birkenhead had also presented Petitions in favour of not opening licensed houses earlier, and so had the county, and stipendiary magistrates. The employers of labour were likewise greatly in favour of 7 o'clock, and no less than 800 working men in one establishment at Birkenhead, unsolicited by their employers, had petitioned that House in favour of keeping public-houses closed until 7 o'clock. Sir Joseph Whitworth, who was well known to the House as a large employer of labour, had also expressed himself in strong terms in favour of keeping the public-houses closed until 7, and had said it was a great advantage to the working men, as well as to the employers, that that should be so. The same opinions were

expressed in letters sent him from employers of labour in some of the principal towns in the country, including Bristol, Leeds, Leicester, and Liverpool—and in the latter town the steam-boat owners and everyone were in favour of keeping the houses closed until the later hour. What he asked the Government to do was no experiment. It had been tried for two years, and had been successful, and those towns which had adopted the opening at 7 o'clock represented 1,600,000 people. He believed that everywhere it had been tried it had worked well, and he hoped the Government would give the Amendment the careful consideration its importance demanded. He had no doubt but that hon. Members—large employers of labour in various towns—would confirm the statements he had made to the House.

MR. WHEELHOUSE objected that the question was not one for employers of labour and magistrates, but for the wage classes. They were the persons affected, and the Committee should know what their opinions were. For an inquiry of this kind these latter were the persons affected. Very probably neither one of the great employers quoted, nor a single individual among the magistrates mentioned, had ever had occasion to go, or even been in such house. If he wanted his breakfast and could not get it he might then be in a position to give an opinion, but he ventured to think it was of very little comparative consequence what were the views or opinions of Gentlemen who spoke from no practical experience, or ascertained want on this subject. Why was the Committee to change the hour of opening from 6 to 7 o'clock? He had certainly heard no sufficiently good reason for the change. In the district which he represented the wage classes went to work shortly after 6 in the morning, and he saw no valid reason why they should not have the opportunity of getting reasonable refreshment on their road to work.

MR. MACDONALD said, he rose to repudiate an observation made by the hon. Member for Birkenhead, with reference to the desire of the working classes of this country for early drinking. The hon. Member referred to the opinions of certain large employers of labour; but he (Mr. Macdonald) ventured

to think that he knew as much about the habits of the working men in the country as the hon. Member, and he said the working classes in this country were not addicted to early drinking, and he thought it his duty to vindicate them from the imputation that such was the case.

MR. GREENALL said, he was decidedly in favour of the Amendment proposed by his hon. Friend (Mr. Laird). In the borough which he represented, public-houses were opened at 7 o'clock, and continued so until 11 o'clock at night, and that arrangement worked most satisfactorily.

MR. NORWOOD said, he did not understand that the hon. Member for Birkenhead had made any such wholesale imputation upon the working classes as had been supposed by the hon. Member for Stafford (Mr. Macdonald); and, certainly, to his mind, the words used did not bear the construction put upon them by the hon. Member, nor justified the way in which they had been taken up. With respect to the proposal itself, he could say that the borough he represented had from the first, under the discretionary clauses of the existing Act, taken upon itself the power of fixing the hours of closing and opening, and they had found that the hour of 7 in the morning had worked most beneficially for all parties. In Hull, there were many men engaged in shipbuilding, at the docks, and in various manufactories; they included not only highly skilled artisans, but a large number of unskilled labourers; and the common experience of the large employers was that since they had fixed the hour at 7 they had been enabled to get their men together at 6 o'clock in the morning for a fair start for the day's work. Everything had gone on most satisfactorily alike for workmen and masters. On the contrary, when many of the houses were opened at 6 o'clock, the men were accustomed to drop into the public-houses to get what in his part of the country was called their "pint of early purl." That involved a loss of time both to themselves and their employers, and, unfortunately, some of the men became unfit for work for the day, or the greater part of it. In such large towns as Liverpool, Hull, Gateshead, and others, where the houses were closed until 7, those evils had been obviated; and he hoped that

the Government and the House would allow the hours to remain at the point which had proved in practice so beneficial. He thought that he and others who had voted with the Government on other points had some claim upon them in this matter. He had himself voted for the hour of 11 at night, though he would personally have preferred the hour of 10.30. If they extended the hours to 11 at night and 6 in the morning, it would lead to the extension of an hour and a-half in the working day beyond the period for the sale of drink now permitted in his borough, and produce much dissatisfaction there.

MR. MACDONALD: I did not express any opinion whatever on the question of fixing the hour at 7 o'clock, but confined my remarks to a defence of the working classes against imputations which are wholly unfounded.

MR. NORWOOD thought the hon. Member had shown a warmth uncalled for; but his object was to induce the Government to keep to the hours which the large boroughs he had named had fixed for themselves, and which had been followed by a marked absence of the irregularity which prevailed before the hour of opening was fixed at 7 o'clock.

LORD ESINGTON said, that no man disliked unnecessary restrictive legislation more than he did, and he would never give his consent to any sudden and uncalled for inroads upon the social habits of the people of this country, as he believed that such legislation was mischievous, irritating, and certain to defeat its own object. But with regard to large towns like Gateshead, about which so much had been heard, and about which he knew something, they had had ample experience to teach them that the Act of 1872 worked fairly well, and for the benefit of the classes affected by it. In that district the hour of 7 for opening had been adopted, and he thought it should be adopted in all populous districts; because if they could check early dram drinking they would effect a great good. Statistics which were not disputed, showed that in some of the great seats of industry, the early attendance of the men at their work, especially on Monday mornings, was much steadier and better than it was when earlier hours of opening were in force. The people of this country objected to change; but when changes

were once effected, it was astonishing how soon they got accustomed to them. He should vote in favour of the proposition to open at 7 o'clock.

Mr. SHAW LEFEVRE said, the Amendment of the hon. Member for Birkenhead raised an important question, and one which ought to be considered by the Committee, and dealt with. Four or five of the largest towns, including Liverpool, Birkenhead, and Gateshead, accepting the option given them under the Act of 1872, had adopted the hour of 7 for opening, and the hour so chosen by the inhabitants, through the magistrates, had given almost universal satisfaction. Were, they, then, to deprive those towns of the advantages which they had received from the adoption of 7 o'clock? It was proposed to schedule these towns, of which there were 55, and to make 7 the statutory hour at which they were to open; and although there were many objections to that course, still he preferred it to forcing those towns to open at an earlier hour. He questioned whether the House had done wisely in taking from the local authorities the power of fixing the time of opening and closing. If the opinion of the House should be against the working of the local option, he should support the proposition of the hon. Member for Liverpool (Mr. Rathbone) which would schedule those towns which had adopted hours different from those provided in the Bill.

Mr. STEVENSON said, he was in favour of 7, and would support any proposal for maintaining that hour in towns where it had been adopted. In Gateshead and the adjoining country district the experience gained was, that they had obtained beneficial results from opening the houses at 7 o'clock. He was a licensing magistrate, for an adjacent district in Tyneside, and he was enabled to say that there was a great probability of their bench adopting at the next Brewster Sessions, the hour of 7 for opening; but if the Amendment of the hon. Member for Birkenhead were not adopted, they should lose the advantages which they expected would result from the adoption of that course. The feeling in favour of local discretion was not to be measured by the number of cases in which it had been already exercised. He hoped that the power which they—the magistrates—had of causing the

houses not to be opened before 7 in the morning, but which the Bill would take away, would be restored to them by the adoption of the Amendment of the hon. Member for Birkenhead. The working men would no doubt be with them in favour of such a regulation.

Mr. TORR, in supporting the Amendment of the hon. Member for Birkenhead, said, the feeling in Birkenhead, and in Liverpool was so strong in favour of opening public-houses at 7 o'clock, that numerous meetings of operatives as well as of magistrates and others, had been held in those two large towns to express that opinion; and as an indication of it, he might state to the Committee that he had received no less than 30 telegrams that day from employers of labour on the subject. He would read one of those telegrams, received from a large shipbuilding firm in Liverpool. It was as follows:—"We hope the Government will be induced to make the opening hour of public-houses 7, and not 6 o'clock. We employ 800 men, and we know the evil result of one glass before commencing work." This opening hour was a most important question, affecting the interests of both employers and their workmen, and that was the way in which the matter was looked at by every employer of labour in Liverpool. He was much astonished to hear the remarks which had fallen from the hon. Gentleman the Member for Stafford (Mr. Macdonald), with reference to the observations of his hon. Friend the Member for Birkenhead (Mr. Laird). There was, probably, not a larger employer of labour, when in business, in that House than the hon. Member for Birkenhead, or one who, for 40 years, had shown greater kindness, or extended more sympathy to those whom he employed. What his hon. Friend the Member for Birkenhead had stated was, that there were a certain number of public-houses opposite the works of large firms, and that the men on going to their work at 6 o'clock would go in and have a morning glass. In order to show that that was no fallacy, and to point out the annoyance which was occasioned by it, he might be allowed to mention a fact in connection with the subject. One of the large shipbuilding firms in Liverpool set a watchman to take the statistics as to the number of men who frequented these public-houses, and they found that

of their men visited these houses in the early morning {when they were closed at 6 o'clock; but when the public-houses were opened at 7 o'clock, the men, instead of being tempted, went on with their work; and the firm to which he had alluded found that only one of their men were found in the public-house. The point had been settled, whether the masters and men agreed on this question of 7 o'clock closing. One of the firms which had communicated to him had, before making communication, told their men that they intended doing so, and asked each to put down the figure 6 or 7 before his name to indicate his choice. That was done, and out of 1,000 men, 800 put the figure 7 against their names; let him remind the House that this was done without any pressure or inducement from their employers as to the result; they should accept. Now, he had come on to know that the employers and workmen in many other of the great towns were thoroughly unanimous in their desire to have the public-houses closed at 7 o'clock; and surely that the Government ought not to interfere between employers and their workmen in a matter which tended so greatly to the benefit of both classes. All that was asked by Liverpool and Birkenhead was to be let alone. What was the course which the Government adopted when dealing with the matter two years ago? They said—"We will not take upon ourselves the responsibility of fixing the hours;" and why did they not do so now? Because they found that the hours varied so much—the wants of the population and the habits of the people varied so much, that they thought it better to let the licensing magistrates fix the hour in each town. The Government gave a limit—namely, the hours should not be earlier than 5, or later than 7. This action of the magistrates had been practically maintained for two years, and now the House was asked to interfere. What was the result? Why, that one of its Members received in one day 30 telegrams from the employers of labour, requesting that the existing hour might be continued. The telegrams which he held in his hand represented more than 200 towns, employing between 30,000 and 400,000 working men, chiefly first-class artisans, and forming no small portion

of the entire working class of Liverpool. It would manifestly be an injustice to one of the great centres of industry to alter the hour of opening, which had worked so well and given such general satisfaction for the purpose of carrying out what was alleged to be the system of uniformity. If there was to be uniformity both of opening and closing throughout the Kingdom, there might be some weight in the argument; but uniformity did not exist. In one case, the closing hour was to be 12.30; in another, 11; others 10; and, on Sunday, various hours were adopted. He had much pleasure in seconding the proposal of his hon. Friend the Member for Birkenhead (Mr. Laird), and he trusted that Her Majesty's Government would see their way to sanction that which masters and men alike desired, and which they asked the Committee not to change.

MR. W. E. FORSTER: Sir, I consider the Amendment of the hon. Member for Birkenhead a very important one, and I shall give it my support. The hon. Member for Liverpool (Mr. Torr) has placed before the Committee very fully and clearly the circumstances of the case; but, at the same time, I think he has not fairly represented the position in which the Act of 1872 left the magistrates. That Act did not impose upon them the duty of fixing the hours of opening, but made a very strong suggestion as to what it should be, giving them the power of altering it within certain limits. The Act strongly suggested 6 to 10; but I am of opinion that the Committee will not come to the conclusion that there is a very strong feeling in favour of those hours. The case which has been made out in favour of 7 o'clock is a very strong one, where that proposal has already been adopted; leading us therefore to believe that it would be advantageous to have the same hour in other towns, because there is nothing especial in the circumstances of Liverpool or Birkenhead which removes them from the ordinary run of large towns. In my opinion it would be unfair that those towns which have adopted 7 alone should have the benefit of closing until 7 o'clock, and that other places should not have the advantage of the experience which has been gained by them. We are told that the working of the late hour of 7 o'clock in these large towns has been

remarkably favourable; and I am quite sure, from what I have gathered in the course of this discussion of the opinion of the Committee, that both masters and men are at one upon the point. I think therefore we may take heart of grace from the beneficial working of the 7 o'clock hour in these towns, and I trust that the Government will seriously consider whether they cannot adhere to that hour. I am quite sure that the hon. Member for Birkenhead had no idea of making any attack upon the working classes; and I must be allowed to say, in reference to the remarks of the hon. Member for Stafford (Mr. Macdonald), that I think no hon. Member has a right to say he speaks on behalf of so large a body as the working classes. There can be no doubt that large numbers of that body exhibit as much self-denial under temptation as any other class. No doubt some of them give way to temptation, and it is a condition of the class of legislation now before us, that we have to consider both the small minority as well as the enormous majority. I believe that while the majority are in favour of the opening hours being fixed at 7 o'clock, good would thereby be done to the minority, and I trust, therefore, the Government will adopt the proposal.

MR. ASSHETON CROSS was not surprised at hon. Members speaking in favour of a local and exceptional arrangement when it had been found to work satisfactorily, and he could sympathize with them when an arrangement was likely to be adopted destroying it; but the question was one which must be considered in a broad way. The list of towns where the 7 o'clock opening had been adopted was a small one, not more than 10 out of the whole number of the towns, while the towns, the constituencies of which exceeded 20,000, were an enormous number. The question was, should there be pressed on them that which had been found to work advantageously in a few places; and he thought the same answer applied as when discussing the hours of closing, they gave way to the wishes of the majority of the towns. The matter could not be met in the manner proposed by the hon. Member for Birkenhead. If the hon. Gentleman, however, had any other proposal to make in the same direction, and would place its terms on the Notice Paper, the Government would

be prepared to give it every consideration.

MR. MUNDELLA said, that he had hitherto on all occasions voted in favour of shortening the hours for the sale of liquor; but on that occasion he must vote in the opposite direction. In Sheffield the hours for remaining open had been fixed from 6 to 11 o'clock, and the arrangement worked in the most satisfactory manner. There was a special reason why, as regarded Sheffield, the hour of opening should not be altered from 6 o'clock to 7. In most of the factories there the work was carried on by two shifts of artisans. One shift got home at 6 o'clock in the morning, at what they called their supper hour, and dined at 12—midnight—when they commenced work. Well, if the public-houses were not to open until 7 o'clock, those men could not, after the night's severe toil, have their glass of beer, and that would be hard indeed upon them, when they had often been heard to say that a glass of beer was worth a shilling at that hour in the morning. If they limited so much the hours during which refreshments were to be obtained, they would raise such a spirit against the Act in the large towns as to render it unworkable.

MR. BRISTOWE said, he could not agree with the hon. Member for Birkenhead on this Amendment. It was true that Liverpool and Hull had adopted the hon. Member's principle; but could it be said that that was a reason why the House should adopt it in towns with about 20,000 inhabitants, who might probably object to it? A great number of very considerable towns would be affected by the change, and, as he thought, very disadvantageously. He protested against the doctrine that the House had to take into consideration the view of the employers of labour only. That might be as it was represented to be; but how did they know what were the views of the employed? Two years had elapsed since the passing of the Bill, and the magistrates had not made the proposed change; yet who could doubt that it would have been made had it been completely and clearly consonant with the general public feeling? Besides that, they had numerical tests enough in the Bill already, and he did not wish to see them multiplied. They had in the Bill already 10,000, 2,500,

and now it was proposed that they should have 20,000. He retained the opinion which he expressed on the question in 1872, of uniformity in the hours of closing; but he was not going to discuss it now, as the Committee had declared itself in favour of 11 o'clock as the closing hour for towns above 2,500, and of 10 for towns below it. He regretted the decision thus come to. The hours of opening had nothing to do with drunkenness, though the hours of closing might. ["Oh, oh!"] He defied anyone to say that the opening of a public-house at 6 instead of 7 tended to increase drunkenness. He should vote against the Amendment.

Mr. BIRLEY, in supporting the Amendment, alluded to the discomforts which would arise to the publicans themselves in the event the hours of business were lengthened. He was of opinion that the publicans themselves, as well as the public, should be somewhat considered in this matter. There was a general concurrence throughout the country, as shown by public meetings, Petitions, and meetings of magistrates, in favour of shortening the hours during which public-houses and beer-houses were to be kept open, and it was also shown that a large number of publicans were in favour of the shorter hours, all they asked for being fair play towards all. If the hours were shortened, also, families of working men would be in better circumstances than if the men were exposed to the demoralization which went on at these places. It was to him very extraordinary that when there existed such a feeling in the Legislature and throughout the country for shortening the hours of labour—next week a Bill would come before the House for shortening the hours of labour in factories—Parliament should be in favour of lengthening the hours for publicans and their *employés*. The Motion of the hon. Member for Birkenhead was not open to the objection regarding clubs, as clubs did not open at 5 or 6 o'clock in the morning, and the Committee might therefore freely accept the Amendment on that score. He admitted that on this question there existed differences of opinion. In the city he had the honour to represent there were differences, and some people would probably suffer by the change; but it was clear that in these matters for the general good there

must be a sacrifice made somewhere. No doubt, that at Sheffield and similar towns where the double shift system was carried on, some inconvenience would at first be felt; but there could be no doubt that people would soon adapt themselves to circumstances. He hoped that the principle of shorter hours would be adopted, even in the interest of the publicans themselves.

Mr. CAWLEY said, he objected to any hard-and-fast line. He disagreed with the hon. Member for Newark with respect to his view of the two years' experience of the Act of 1872, and he was satisfied that if it had had a longer trial the hour of 7 for opening on week days would have been much more extensively adopted. The result was, so far, encouraging, and he had no doubt that 7 would have been the hour eventually adopted in towns under the Act of 1872. The hon. Member for Liverpool wished to stereotype what had been done within the last two years, but that was not right or just. They should leave a certain discretion with the magistrates of every locality to adopt or change the hours of opening from 5 to 7 in the morning as they thought proper.

Mr. T. E. SMITH said, that being inclined to favour greater elasticity in legislation on this subject than many hon. Gentlemen seemed willing to adopt, he thought the present question was one which required hon. Members to be perfectly acquainted with the circumstances connected with the towns and cities of the Kingdom. It was a very complicated question, and most difficult to be got out of. It was only last night that a great majority of the House voted against any extension of time beyond 6 o'clock in the country; but it was generally understood that if a hard-and-fast line were drawn, they would be inflicting an inconvenience on vast numbers of the people of this country. He thought, therefore, that local feelings and requirements should be consulted, as suggested by the hon. Member for Salford (Mr. Cawley). But in the great Amendment of the hon. Member for Birkenhead there was no grievance at all, for a working man could get any beer he wanted for his dinner, or any other meal; but surely he did not require it at 6 o'clock in the morning. He should, therefore, vote for the Amendment.

MR. BULWER said, he had never heard anything more insulting to the working men of the country than the language used by many hon. Gentlemen in the course of that debate. They were, by the Bill, confessedly legislating for a minority of the people; but in doing so they imposed every restriction they possibly could on the majority. It was announced out-of-doors, on many platforms, and in many electioneering addresses from hon. Gentlemen opposite lately, that the working men were the very incarnation of all the virtues, and possessed complete political intelligence—so much, in fact, that the late Prime Minister had invited them, at a moment's notice, to give their opinion upon a financial scheme, involving the abolition of the income tax, coupled with an equitable re-adjustment of taxation. But in that House they were treated as children and fools, in whose path they dare not leave the door of a single public-house open, lest they should ruin themselves and their families. That was a gross calumny, and for his own part he thought better of the working men, and was of opinion that the fewer the restrictions they had the more desirable it was. It was not fair to impose on the great majority of people who did not get drunk the annoyance and inconvenience of these restrictions. He would remind the Committee that formerly it was the habit of the class to which hon. Members of that House belonged to indulge freely in their cups; but that practice had now happily ceased—thanks, not to restrictive Acts of Parliament, but to progress in civilization, if not in morality; and so would the alleged intemperance of a minority of the working classes. If they could not safely at present do away with all restrictions, let them be made as light and as elastic as possible.

MR. SAMUDA said, they were now in a different position from that of 1872. Then they passed a Bill regulating the hours of opening and closing public-houses, but leaving to the magistrates a discretion to decide upon them according to local circumstances. Now, however, it was totally different. They proposed by the Bill to fix the hour by law, and to relieve the magistrates from all responsibility. Then came the question as to what that hour should be which would suit the majority in a neighbourhood or a locality, and let the minority

be bound by it. For his own part he had so strong an opinion for lessening the hours of drinking that he was inclined to support the Amendment of the hon. Member for Birkenhead; but in consequence of the extremely serious evils it would inflict on an unoffending majority, he came to the resolution to give it every opposition in his power. They were now dealing with a restricted monopoly—the publicans—and it was necessary for them to compel that restricted monopoly to yield that amount of accommodation which was required by the majority of the public.

MR. LAIRD: The right hon. Gentleman the Home Secretary has said that the Government might perhaps, with my assistance, be enabled, to draw a clause to meet the difficulty. There has been a great objection to the clause as it stands at present. What we want is to be left alone as far as towns containing large populations which have adopted 7 o'clock are concerned, such as Birkenhead. I am willing to withdraw the Amendment, and I will endeavour between now and when the Report is brought up, to communicate with the Home Secretary as to whether we can agree upon a clause to meet the case. Under these circumstances it will not be advantageous to proceed further with the Amendment.

MR. ASSHETON CROSS: I hope before the Question is put from the Chair that the hon. Member for Birkenhead (Mr. Laird) will understand that the Government do not see their way to framing any such clause to meet the case.

Question, "That the Amendment, be leave, be withdrawn," put, and *negatived*.

ADMIRAL ELLIOT said, he had not spoken during the debate. He had only a few words to say. He was not one of those who had at any time mistaken Her Majesty's Government as to the course they would pursue, because he understood from the first from the Home Secretary, that as regarded the hours of opening and closing to be inserted in the Bill, the question was to be an open question. He was quite prepared, therefore, under these circumstances, to find himself in one Lobby with some of Her Majesty's Ministers, whilst others went to vote in the other Lobby. With respect to opening the public-houses at 7 o'clock, he should—representing as he

large working class constituency—
 opening the public-houses at 5
 . He thought that Her Majesty's
 ment, who were large employers
 ur, ought to show some consider-
) their *employés*. There were some
 men employed in the Govern-
 Dockyards, and those men had to
 he Dockyards at 6 o'clock in the
 g. If the public-houses were not
 , and the men enabled to get
 refreshment before they went to
 ork, they had to go to the Dock-
 and had no refreshment until 12
 in the day. He said if they did
 w the public-houses to be opened
 7 o'clock, they debarred these
 m obtaining that refreshment in
 mning, which he believed was
 ry for them in order to do that
 hich they had to perform. He
 they could make men either sober
 gious by Act of Parliament. On
 trary, his experience led him to
 that indulgence conduced more
 ety than restrictions did, and that
 going to Divine Worship was left
 l with men they were the more
 o attend it. Many of the speeches
 he had heard that night in that
 on the subject would never have
 ade on the hustings in the face
 ing men, and he considered that
 f the remarks which had been
 ere most insulting to the working
 the country and most undeserved.

idment *negatived*.

se, as amended, *agreed to*.

se 3 (Hours of closing wine-
 beer-houses, and other houses
 ublic-houses) for the sale of in-
 ng liquor by retail).

ASSHETON CROSS said, that
 provisions as to hours contained
 clause, had been embodied in the
 ag clause which had just been
 to, he should move the omission
 ne under notice.

n made, and question proposed,
 the clause be omitted from the
 (*Mr. Secretary Cross*.)

FRANCIS GOLDSMID said, be-
 t Motion was put he wished to
 ew words, although they were
 inst the withdrawal of the clause.
 sidered that the Committee had
 , very great mistake in doing

away with the discretionary power of the
 local bench of magistrates.

Question put, and *agreed to*.

Clause *omitted* from the Bill.

Clause 4 (Exemptions as to theatres
 repealed).

MR. MELLY said, he wished to ask
 the Home Secretary, whether it would
 not be wise to put some words in the
 clause as to the exempted houses; so as
 to make sure that the exemptions should
 cease on the passing of the Act? Would
 it not be wise to insert words of this
 description in the Act?

MR. ASSHETON CROSS: I will
 consider that question.

MR. STAVELEY HILL said, he
 wished to ask the right hon. Gentleman
 the Home Secretary, what exemptions
 existed under the present Act?

MR. ASSHETON CROSS: I refer the
 hon. and learned Gentleman to the 26th
 and 27th sections of the principal Act.
 The sections are too long to read now;
 but the hon. and learned Gentleman
 will there find a list of the existing
 exemptions.

MR. STAVELEY HILL said, he did
 not think that that was quite an answer
 to his question. What he wished to
 know was what exemptions existed then?

MR. ASSHETON CROSS: I repeat,
 the hon. and learned Gentleman will
 find them in the sections of the Act which
 I have mentioned.

Clause *agreed to*.

Clause 5 (Power to vary on Sunday
 afternoon hours of closing premises for
 sale of intoxicating liquors).

MR. ASSHETON CROSS said, he had
 received a letter from a gentleman con-
 nected with the town of Liverpool, which
 stated that there was some difficulty in
 applying the measure to that town, as
 it would in some degree clash with a
 local Act. The clause provided that
 some of the houses might open at 12.30
 instead of 1 o'clock, in order that the
 people should get beer for their dinner;
 but the gentleman stated in his letter
 that that would be impossible under the
 local Act. Therefore, in order to avoid
 that difficulty, he proposed to insert the
 words at the beginning of the clause—
 "Notwithstanding anything in this or
 any local Act contained."

Amendment *agreed to*; words *inserted*.

On Question, That the Clause, as amended, be *agreed to*.

Mr. CHARLEY moved, in lines 21 and 22, to leave out "when situate in any place beyond the metropolitan district."

Mr. ASSHETON CROSS said, the object of the clause was to enable houses situated in districts where the hours of Divine Worship varied, to be closed or opened according to public requirements. That variation was not required in the metropolis, and the convenience of the public would be promoted in other places.

Mr. CHARLEY said, that being so, he would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Mr. CHARLEY moved, in line 28, after "o'clock," to insert—

"(b) That such premises shall be closed in the afternoon from half-past six till eight o'clock, and in that case such premises shall remain closed only until half-past four in the afternoon."

The object of his Amendment was to enable the magistrates to deal with the evening as well as the afternoon service.

Mr. ASSHETON CROSS said, he was sorry to have to object to that Amendment also.

Amendment *negatived*.

Mr. MELLY moved, in line 28, to leave out the word "six," in order to insert the word "seven."

Mr. ASSHETON CROSS observed that the question was to be decided on the bringing up of the Report; but he had no objection, subject to that condition, to the word being inserted.

Amendment *agreed to*; word substituted accordingly.

Clause, as amended, *agreed to*.

Clause 6 (Early-closing licences).

Mr. ASSHETON CROSS moved the insertion of words in line 40, the object of which was to give the applicant for a licence, who was desirous of closing his house at an earlier hour of the night than usual, the option of opening "later in the morning."

SIR HARCOURT JOHNSTONE said, he thought the right hon. Gentleman might withdraw the Amendment, or put it in a more modified form, as it looked as if it were proposed in the interests of the publicans, and not in the interests of the public. He did not at all object to

the clause, as it was one that he thought might work very well; but if they adopted the proposed Amendment, they evidently placed in the hands of the magistrates the power of saying to a person who came before them for a licence—"You shall have a licence, provided you take the shorter licence." Thereby they placed the option in the hands of the magistrates, instead of in the hands of the publican. And what would be the result? There were many large towns—such as Manchester, Salford, Liverpool, and others—where such an option might be worked so as seriously to interfere with the public convenience.

Mr. ASSHETON CROSS replied that the provision was in accordance with the principle of the existing Act, by which persons who chose to apply for six-day licences were entitled to have them at a lower rate than that paid for seven-day licences.

SIR HARCOURT JOHNSTONE said that applied only to Sundays, but this clause referred to week-day licences.

Mr. MELLY said, he did not object to the clause; on the contrary, he thought it was a very good one. But where would be the advantage of this Amendment if it enabled the magistrates, when application was made for these licences for closing at an earlier hour at night, or opening at a later hour in the morning, to grant licences which, instead of fixing the hard-and-fast line which was desired, caused houses to be kept open in the same district at different hours? In fact, the option would practically be placed in the hands of the magistrates, and they would have the same difference in the hours as had caused such general complaints.

Mr. STAVELEY HILL said, he wanted to know where the words of the right hon. Gentleman would come in?

Mr. CHILDERS said, he wished to ask the right hon. Gentleman the Home Secretary, whether the publican would pay a less sum for his licence if he opened an hour later in the morning; and did his right hon. Friend mean it to be a remission of duty in the case of opening an hour later or closing an hour earlier, or both?

Mr. ASSHETON CROSS: Not twice over. A Sunday closing licence gets a remission, or opening an hour later gets a remission; but you cannot get two remissions.

MELLY said, the publican could o remissions, each of one-seventh, not only closed on Sundays but l an hour later on week days.

ASSHETON CROSS: Look at 7, and you will see. I will, how-ake care that the clause shall be l when I bring it up on Report.

MELLY: Would it not be better insert Amendments at all, but to em on Report?

ASSHETON CROSS: Very well; withdraw the Amendment.

mdment, by leave, *withdrawn*.

use agreed to.

use 7 (Remission of duty in case of y and early-closing licences).

HARCOURT JOHNSTONE said, ie amount of duty which would be ed to persons taking out early-; licences would vary from one any to three-halfpence per day, thought therefore that the pro- was perfectly useless, as there ew men who would not prefer to their houses open to saving one any per day.

STAVELEY HILL said, he was ifferent opinion, and would like to ill wider option given to publicans he hours of keeping their houses

It would be a great advantage to morality if a fair allowance in it of the licence was made on short-icences, and if that system was aged, he believed it would effect t deal of good.

use agreed to.

use 8 (Penalty for infringing Act ours of closing).

NAGHTEN, as an Amendment, in page 4, line 34, to leave out rds "although purchased before ars of closing," and at the end, to

vided always. That in all cases under ; where any person shall have entered premises before the hours for closing ed in this Act, he shall be entitled to in such licensed premises for the purpose ming any liquors that he may have pur-efore the hour of closing for any rea-time not exceeding a quarter of an

WATNEY said, that publicans ound to serve their customers up last minute of closing their houses; urther the Committee accepted the lment or not, it would be necessary

to have it understood whether liquors could be consumed after 12.30; because, if not, the publican would have to leave off serving a few minutes before closing time.

Mr. ASSHETON argued that the Amendment would have the effect, if carried, of adding a quarter-of-an-hour to the time of closing. It was desirable for them to see precisely what they were doing. The Home Secretary had pleaded, as an excuse for putting on the extra half-hour in London, that public-houses were virtually open 20 minutes beyond the time specified in the Act of 1872, the metropolitan magistrates having decided that a reasonable time should be given for the consumption of the liquors obtained before the hour of closing, and it was partly on this ground that the House accepted the hour of 12.30.

SIR CHARLES RUSSELL said, after the debate of Monday night, he had determined not to press an Amendment which he had put on the Paper to effect the object of this Amendment.

Mr. MELLY looked upon the clause as most valuable, for it got rid of all the questions whether the liquor found in the hands of the customer was bought five minutes before or five minutes after the closing hours. There was not a magistrate in England who would not find his hands strengthened by the clause as it stood.

COLONEL LEIGH thought this was a sort of case *de minimis non curat lex*. If a man ordered a glass of spirits or a pint of beer, how long would it take him to drink it, when told the place must be closed? About a minute and a-half. The discussion of the Amendment ought to take up no more time. He thought they might pass this clause *sub silentio*.

Mr. ASSHETON CROSS said, the only object he had in putting these words in the clause was really to carry out the intention of the Act of 1872, which he thought in this particular had been misread.

SIR WILLIAM HARCOURT wished to know what effect those minutes of grace would have on other towns as well as London? Were those towns also to have their minutes of grace as well as London? Would the hon. Member for Carlisle offer any explanation on this subject, for the Bill, though nominally conducted by the Government, was really conducted by the Opposition benches?

There was no doubt they had shortened the hours in the towns by half-an-hour, and had lengthened the hours in London by half-an-hour, and now proposed to give London a quarter of an hour's grace. They should not make the line so hard and sharp in determining the particular hour for the country towns, while they gave a quarter of an hour's grace to London. He would ask the Home Secretary, why he gave an additional half-hour to London and 15 or 20 minutes grace, while he cut off half-an-hour from the country towns? The country towns must feel very sharply the contrast between the terms proposed for them and for London. Oxford and other towns would feel that the price of the boon was the purchase of the satisfaction of the licensed victuallers of London. ["Oh, oh!"] That feeling was very strong throughout the country. The country towns were exasperated at the contrast between the treatment of them and London. They had taken off an hour in the country and had extended the time in London. He would now ask the Home Secretary, whether he intended to extend the same generosity to the country traders which was accorded to the people of London?

MR. STAVELEY HILL said, the hon. and learned Member for Oxford was misrepresenting the country traders. The only thing they were anxious about was that there should be one closing time throughout the country districts, and he believed they would be quite willing to accept the hour of 11 as that time. If a man was found standing at the bar of a public-house with a glass of brandy before him which he had paid for, but not consumed, at 11.30, the case was brought before a magistrate, and the country trader would be placed in a difficulty. He (Mr. Staveley Hill) thought it better to leave this matter to the discretion of the magistrate, who would be better qualified to say whether there was an intentional violation of the law.

MR. ASSHETON CROSS said, the original Bill provided that liquors were not to be served after a certain hour. The London magistrates had some doubts as to the meaning of the Act, and he would repeat he had put in a few words to correct an apparent ambiguity.

Amendment negatived.

Sir William Harcourt

SIR CHARLES W. DILKE inquired what would be the position of a victualler who opened his house for the sale of other things than intoxicating liquor during the hours of closing? A good deal of tea and coffee was sold in public houses, particularly in the markets.

MR. ASSHETON CROSS said, that there was no clause to prohibit that mode of business.

Clause agreed to.

Clause 9 (Saving as to *bond fide* travellers — lers and lodgers).

SIR JOHN KENNAWAY in moving, as an Amendment, in page 4, line 41, to leave out "to *bond fide* travellers or;" and in line 42, after "house," to insert—

"Or to *bond fide* travellers except between the hours of seven in the morning and one in the afternoon of Sundays, Christmas Day, and Good Friday,"

said, he did not object to affording every convenience to a *bond fide* traveller to obtain liquor, provided it could be done without harm to the public. Persons, however, made use of the name *bond fide* travellers when they could not get drink at any other place than in the rural districts, and they started from their homes a couple of hours earlier than they could procure it in town. Under a false pretence they got into the public-houses, and they remained there the whole day, an annoyance not less to the inhabitants of the place than to the publicans themselves. Doing away with the *bond fide* traveller exemption altogether was, of course, out of the question; but what he asked the House was, that the publicans should not be called upon to open their houses and to destroy the advantage of the restrictions under this Act between the hours of 7 in the morning and 1 in the afternoon of Sundays, Christmas Day, and Good Friday. Railway travellers were always provided for in regard to refreshment. There might be some inconvenience caused to persons driving by road, but it would be small when compared with the advantages which were certain to arise if his Amendment were ratified by the House. The hon. Baronet concluded by moving the Amendment.

Amendment proposed, in page 4, line 41, to leave out the words "to *bond fide* travellers or."—(*Sir John Kennaway*).

question proposed, "That the words used to be left out stand part of the Bill."

2. ASSHETON CROSS failed to see the *bona fide* traveller should not what refreshment he required on any morning between the hours of 7 and 1 as well as in any other part of the day.

3. RATHBONE pronounced the *bona fide* traveller as the greatest imposter who was known to the local magistrates. He was merely a person who went into the country for the purpose of drinking two or three hours in addition of the time it could be procured at home. Licensed victuallers themselves complained greatly of the abuse of the term.

4. KNATCHBULL - HUGESSEN said it was difficult to argue with General who—like the hon. Member for Liverpool—began by stating that *bona fide* travellers were not *bona fide* travellers but that, in fact, this was a class to which no one really grudged refreshment at any time; and the more reason would be for hon. Gentlemen to apply themselves to the satisfactory definition in the Bill of the words "*bona fide* traveller," so far as it was possible to do so.

5. WILLIAM HARCOURT read the hon. Member for Liverpool (Mr. Rathbone) that passengers by the railway boats from America who arrived early hours of the morning in the city were *bona fide* travellers, and yet representatives of that town would have them accommodated with refreshment at one of the Liverpool hotels between the hours of 7 and 1 o'clock on any day. He (Sir William Harcourt) told the Committee would not listen to such proposal.

6. GREGORY reminded the Committee that two of the Judges had said that persons who, as ostensible *bona fide* travellers, went to a public-house or a hotel solely for the purpose of taking refreshment, could not be considered as such, and did not come within the purview of the Bill. The privilege was never intended to apply to persons travelling for pleasure, but only to persons actually engaged in business.

JOHN HAY said, that in Scotland there was no difficulty in dealing with the *bona fide* traveller question, and

he would suggest the adoption of the definition of a *bona fide* traveller which was given in the Forbes - Mackenzie Act.

MR. RUSSELL GURNEY said, he had taken some trouble in ascertaining in what manner "the *bona fide* traveller" affair was worked on Sunday. He found that respectable publicans, who desired to abide by the law, closed their houses at 1 o'clock, and they were not troubled with "*bona fide* travellers." The less well-conducted houses were closed, but touts were stationed outside, who said to any one who approached—"Traveller, sir; traveller, sir?" thus giving a sort of invitation; and everybody was allowed to walk into the house so represented, and allowed to remain there so long as they pleased, and drink what they liked. In one instance he found omnibuses ran on Sundays, and on no other day of the week, to a public-house just outside the metropolitan district radius, where people were supplied with liquor indiscriminately. The result was, he saw enough to convince him the privilege was abused in every possible way, and he thought a well-defined line should be drawn as to who were and who were not "travellers." In reference to what fell from the hon. and learned Member for Oxford he would remark that a person who proceeded from a Cunard steamer to the Adelphi Hotel became a lodger there.

COLONEL LEIGH said, the hon. and learned Member for Oxford had spoken of *bona fide* travellers, whereas the hon. Member for Liverpool (Mr. Rathbone's) observations were applicable only to *malá fide* travellers.

SIR JOHN KENNAWAY said, that after the statement of the right hon. and learned Recorder of London, he felt bound to press his Amendment to a division.

Question put.

The Committee divided:—Ayes 316; Noes 62: Majority 254.

SIR HENRY JAMES, in moving as an Amendment, in page 5, line 12, to leave out from after "traveller" to "dismiss" in line 13, and insert the words "the justices shall dismiss," said, its purpose was to give effect to what he thought must be intended, but which the clause, as it stood, would not enact. The clause provided that in case the

publican should be unable to prove that a person to whom he had sold intoxicating liquor was a *bond fide* traveller, that the justices were satisfied that he truly believed that the purchaser was a *bond fide* traveller, and had taken all reasonable means to ascertain that he was, it should—

"be lawful for the justices to dismiss the case as against the defendant, and if they think that the purchaser falsely represented himself to be a *bond fide* traveller, to direct proceedings to be instituted against such purchaser under the twenty-fifth section of the principal Act."

Publicans had no means of ascertaining whether a customer was a *bond fide* traveller, and yet had over and over again been convicted for not having done so. He thought it was intended that if it appeared that the publican had done his best to discover whether a customer was a *bond fide* traveller the case against him should be dismissed. He proposed, therefore, to leave out the discretionary phrase, and in order to do so, would move the Amendment.

MR. J. G. TALBOT thought that if there was to be a compulsory duty in the one case there should be a corresponding one on the other, and that it should be compulsory on the magistrates to direct that proceedings be instituted if there appeared to be *mala fides*.

MR. ASSHETON CROSS said, he accepted the Amendment of the hon. and learned Member for Taunton, thinking it a fair and right one.

Amendment agreed to.

MR. ASSHETON CROSS said, he was also willing to accept the Amendment of the noble Lord the Member for Bury St. Edmunds (Lord Francis Hervey), relative to the *bond fide* travellers, as it was in substance the same proposition as that of the Government.

MR. MELLY said, he had put an Amendment on the subject of the *bond fide* traveller on the Paper, because he had thought it undesirable that the *bond fide* traveller should be defined. Mr. Justice Mellor had laid it down that the expression was in each case to be construed by the common sense of the justice that tried it. The only question was, whether it was desirable that the *bond fide* traveller should be further defined, and, if so, in what terms? Every magistrate would know that great use would be made of any definition as a

direction to magistrates not to convict when persons had gone three miles, though merely to drink, and if that was to be so, nearly the whole, or probably 95 out of 100 persons would not be convicted. The "*bond fide* traveller" meant illicit Sunday morning drinking, which was hated by all respectable publicans, and encouraged by very few, who thus took an unfair advantage of their neighbours, and the Sunday morning drinking led to more misery among the labouring classes than anything. It had become a universal system now. He would read to the Committee a letter he had received from a gentleman on the subject. That letter stated that tramway cars ran to one of the suburbs of the metropolis every Sunday morning. These tramway cars ran every five minutes, and the passengers were charged 3d., and publicans servants met every car to invite them into public-houses to drink, with the words, "Travellers, sir?" He merely placed this argument before the Committee with the view of asking the Committee as to whether the law ought to exist as at present. He objected to the clause as it stood, not because it was the enunciation of a law, but it was the giving of advice as to who was a *bond fide* traveller, instead of leaving it as before, to be decided on the merits of each case.

MR. ASSHETON CROSS begged to move in the words of the noble Lord the Member for Bury St. Edmunds (Lord Francis Hervey), in page 5, line 18, to leave out all after the word "unless" to the end of the clause, for the purpose of inserting—

"the place where he lodged during the preceding night is at least three miles distant from the place where he demands to be supplied with liquor, such distance to be calculated in a straight line on the ordnance map."

He hoped that would satisfy the hon. Gentleman.

MR. BULWER thought that the insertion of the words proposed would only add to the difficulty of defining a *bond fide* traveller. In point of fact, if the matter were left as it was, there would be no difficulty at all, for any bench of magistrates of common sense knew well to decide at once what it meant; whereas, if the words proposed were added, the magistrates would not be relieved from any difficulty they felt at present; but would have the further difficulty of de-

ciding what the exact distance was, what was the meaning of the word "lodged," and what was meant by the "preceding night."

MR. WYKEHAM MARTIN thought otherwise, and in his experience as a magistrate often saw great difficulties arise in the discussion of the question.

MR. MELLY moved, as an Amendment to the said proposed Amendment, the substitution of the word "five" for "three."

MR. ASSHETON CROSS said, he could not agree to the proposition.

MR. MELLY feeling that the decision of the Committee would be against his proposal, said he would not trouble the Committee to divide upon it.

Amendment (Mr. Melly), by leave, *withdrawn*.

Amendment (Mr. Secretary Cross) *agreed to*.

Clause, as amended, *agreed to*.

Clause 10 (Hours of closing night-houses).

SIR CHARLES RUSSELL said, he would withdraw an Amendment he had on the Paper with respect to refreshment-house keepers.

Amendment, by leave, *withdrawn*.

On Motion of Mr. SECRETARY CROSS, Amendment made in page 5, line 35, by striking out "public-houses," and inserting "premises licensed for the sale of intoxicating liquors by retail."

Clause, as amended, *agreed to*.

MR. FAWCETT asked what course Government intended to take with reference to the time of bringing forward the seven great measures mentioned by the Prime Minister on the previous evening?

MR. DISRAELI stated that he would take the Committee on the Bill the first thing on Monday, and when that was disposed of, he would bring forward the Educational Estimates, and take the Factories Bill upon Thursday the 11th.

MR. W. E. FORSTER said, that the Prime Minister had said that supposing the Licensing Bill were got through that night, the Education Estimates would be taken next Monday; it would now be convenient to know at what time.

MR. DISRAELI in reply, said, that as it was uncertain how long the Licensing Bill would take, it would be better to fix the Education Estimates on

Monday week. In that case, after the Licensing Bill on Monday, the Bill to amend the Friendly Societies Act would be taken.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

SUPPLY—REPORT.

THE PHOENIX PARK RIOTS.

Postponed Resolutions 1 and 9 (Criminal Prosecutions, Ireland, and Office of the Commissioners of National Education, Ireland) [reported 1st June], *further considered*.

MR. O'SHAUGHNESSY asked the Government to particularize how much of the amount (£49,000) had reference to the defence of the actions taken against the Marquess of Hartington, Colonel Lake, and the Dublin Police in the actions arising out of the Phoenix Park riots?

SIR MICHAEL HICKS - BEACH said, the actions were 13 in number, and it was impossible to ascertain from the Appropriation Accounts what particular sums had been applied to each. In the accounts for 1871-72, the sum of £89 3s. 8d. and in those for 1872-3, the sum of £5,415 14s. 8d. appeared under this head, and in the accounts for 1873-4, there would appear a further sum of £3,671. As to the future sums to be paid he could not say.

MR. BUTT said, he was not satisfied with the answer given by the right hon. Baronet. He could not see why the expense which these unfortunate transactions had cost the country should not be known as in the Tichborne case.

MR. LAW said, that an investigation, which was greatly desired by the police, had been promised by the late Government. It could not, however, be instituted because these actions were kept hanging over their heads.

Resolutions *agreed to*.

MUNICIPAL FRANCHISE (IRELAND) BILL.

On Motion of Mr. BUTT, Bill to amend the Law regulating the Municipal Franchise in Ireland, and to make better provision for the rating of occupiers in towns, *ordered* to be brought in by Mr. BUTT, Mr. O'SHAUGHNESSY, and Mr. RICHARD POWELL.

Bill *presented*, and read the first time. [Bill 135.]

House adjourned at half-after One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 8th June, 1874.

MINUTES.]—*Sat First in Parliament*—The Lord Zouche of Haryngworth, after the death of his father.

PUBLIC BILLS—*First Reading*—Local Government Provisional Orders (No. 2) * (92).

Second Reading—Wenlock Elementary Education * (84)

Committee—Public Worship Regulation (re-comm.) (62).

Royal Assent—Customs and Inland Revenue [37 *Vict.* c. 15]; East India Annuity Funds [37 *Vict.* c. 12]; Bishop of Calcutta (Leave of Absence) [37 *Vict.* c. 13]; Betting [37 *Vict.* c. 16]; Marriages Legalization (St. Paul's Church at Pooley Bridge) [37 *Vict.* c. 14]; Marriages Legalization (St. John the Evangelist's Chapel in the Parish of Shustock) [37 *Vict.* c. 17].

NEW PEER.

His Royal Highness Prince Arthur William Patrick Albert, having been created Earl of Sussex and Duke of Connaught and of Strathearn—Was introduced between His Royal Highness the Prince of Wales and His Royal Highness the Duke of Edinburgh, the Gentleman Usher of the Black Rod, the Garter King of Arms, the Earl Marshal, and the Deputy Lord Great Chamberlain attending, and was placed in the chair on the left hand of the Throne.

THE RAILWAY COMMISSION.

QUESTION.

EARL DE LA WARR asked the Lord President, When the Railway Commissioners would be appointed, and when it was proposed that they should commence their work?

THE DUKE OF RICHMOND said, he was prepared to answer the Question. At the same time, he must suggest that it was neither desirable nor in accordance with the custom of their Lordships' House that Questions should be put without formal Notice on the Paper. The Commission had been made out and sent to the Queen for Her Majesty's approval. As soon as it had received Her Majesty's signature there was no reason why the Commissioners should not commence their work.

PUBLIC WORSHIP REGULATION
BILL—(Nos. 30-62-96.)

(*The Lord Archbishop of Canterbury.*)

Committee (on re-commitment).

House again in Committee (on re-commitment) (according to Order).

Clause 8 (Representation by arch-deacon, rural dean, churchwarden, or parishioners).

An Amendment *moved*, to leave out from ("If,") line 8, to ("shall,") line 12, and insert ("a churchwarden of a church.")—(*The Marquess of Bath.*)

On Question? *Resolved in the Negative.*

LORD DYNEVOR moved to insert after "deanery" the words "or the patron." He proposed to include the patron among those who should be entitled to make representations to the Bishop, because he was of opinion that in regard to the special subjects of complaint enumerated in the clause, better relations between the patron, the incumbent, and the parishioners would be maintained if the patron had a voice in the matter. On the one hand, as the friend of the incumbent the patron could then with more effect advise and remonstrate with him; and, on the other hand, the parishioners would look to him as their friend and protector, and for aid to restrain extravagance in the incumbent. There were many cases in which the parishioners were desirous of complaining but unwilling to do so, and thus the Church suffered. This was no fancied grievance. He had himself seen instances of utter lawlessness and of extreme Romanizing tendencies. He himself witnessed at Easter, ceremonies, dresses, bowings, semi-prostrations, and movings to and fro, a picture of the Virgin Mary with flowers and candles on a shelf below it, incense, a grand procession, headed by a crucifix and three clergymen in gorgeous robes—one of them with a large cross down his back—concluding by a scenic effect, produced by their kneeling before the altar in single file. There were also deacons bearing the Epistle and Gospel to different clergymen, perpetual crossings, and kissing of books. Then in the administration of Holy Communion there were interpolations of hymns and music, and out of a congregation of 500 at least only five or six communicated. Besides

this, he and a friend who went with him were shut out from communicating by a notice on the pillar, which repeated an obsolete rubric to the effect that no person must come up to the Holy Table unless he had sent notice the previous day to the incumbent. The object of this was to make the service as much like High Mass as possible. It was impossible to conceive any service more at variance with the letter and spirit of the Book of Common Prayer. It was, in fact, a shocking parody on the Romish High Mass. The tone and dress of the preacher, his manner, gestures, and looks, were most defiant. He stigmatized recent decisions of the Ecclesiastical Courts as "most iniquitous interpretations of the law." He asked "if the Legislature were so foolish as to think they could possibly be influenced by Acts of Parliament." He (Lord Dynevor) knew that patrons who had appointed clergymen thinking they were moderate men, and had been deceived, would be glad to join in some remedial movement such as that intended by this Bill.

An Amendment moved, Clause 8, page 3, line 9, and in line 28 after ("deanery") insert ("or the patron.") —(The Lord Dynevor.)

THE ARCHBISHOP OF YORK said, no interest attached to the patron in the matter unless he was a parishioner, and if the patron was a parishioner, he could be one of the three parishioners to whom the Bill gave the power of making such representations. If he was not, it would not be desirable to give him that power.

Amendment negatived.

THE EARL OF LIMERICK proposed that the number of parishioners who would have a right to make a representation to the Bishop should be 10 instead of three as proposed.

An Amendment moved, page 3, line 9, omit ("three") and insert ("ten.")

THE ARCHBISHOP OF YORK said, the number three had been adopted after due consideration. The number proposed by the Amendment would be impracticable in small parishes. The number proposed by the Bill was approved by Convocation.

THE MARQUESS OF BATH said, that as the Bill stood it gave too much power to the Bishops, because the Archdeacon and the rural dean, who were officers of the Bishop, would each have a right to bring a complaint. He had given Notice of an Amendment the object of which was to omit from the clause the Archdeacon and rural dean, which would restrict the power of complaint to the churchwarden only. Their Lordships had heard from the promoters of the Bill that the law as it now existed could not be enforced. But very often the question was not one of law at all. Practices which were, perhaps, within the four corners of the law very often gave much annoyance to the parishioners, and in some respects he would give the real parishioners more power than this Bill would confer upon them. It should also be remembered that as the Archdeacon and rural dean were officers of the Bishop any proceeding instituted by them would have the appearance of official prosecutions. He would support the Amendment of his noble Friend, though he should prefer his own.

EARL NELSON also supported the Amendment. He must remind the most rev. Prelate (the Archbishop of York) that when the Lower Houses of the two Convocations referred to three as the number who should have the power to make a representation, they accompanied it with the qualification that the three parishioners should be "communicants." That was a very different proposition from "any three parishioners" not being communicants.

THE BISHOP OF PETERBOROUGH observed that the noble Earl who spoke last (Earl Nelson) was for giving the power of making a representation to no parishioners who were not communicants; but the noble Marquess who preceded him would give that power exclusively to churchwardens, who need not be communicants nor even Christians. Before the noble Earl and the noble Marquess voted for the Amendment, they ought to reconcile this apparently irreconcilable difference between themselves.

THE MARQUESS OF BRISTOL proposed some verbal Amendments, the object of which was to protect the incumbent against punishment for the acts of his predecessor in alteration in the fabric or ornaments of the church. As the

clause stood, the incumbent might be liable for what he had not done. It must be borne in mind that the incumbent had no right to alter the fabric of the church.

THE ARCHBISHOP OF CANTERBURY said, that if the predecessor had done anything wrongfully there would be no punishment—the result would be an order for removal.

EARL NELSON pointed out that the incumbent might be judged for a matter for which he was not responsible and which was under the jurisdiction of the churchwardens.

THE ARCHBISHOP OF YORK said, in that case the only order would be for a removal of what was objectionable.

THE EARL OF LIMERICK said, that cathedrals should be brought under the operation of the Bill, and, unless some words were inserted to provide against an alteration in the relations between Bishops and the cathedrals, this Bill would give the right rev. Prelate a greater power as respects those fabrics than they had hitherto possessed.

THE ARCHBISHOP OF CANTERBURY said, that it was not intended by a side-wind to make any alteration in the law with regard to cathedrals; and if the clause should be held to include them he would bring up, on the Report, words to prevent the result which the noble Earl apprehended.

THE ARCHBISHOP OF YORK remarked that the single question was as to whether the incumbent was to be held responsible. It was not for their Lordships' House to raise a doubt as to his responsibility.

THE MARQUESS OF BATH thought that in the case of proprietary and other churches much hardship would result from holding incumbents responsible for what had been done without a faculty, but with the consent and approval of the Bishop. The late Bishop of Salisbury, for instance, sanctioned alterations which, if he had been succeeded by a Bishop of extreme views on the other side, might have caused great trouble to the incumbent. That successor, in case there had been no faculty, might order the removal of those alterations.

THE ARCHBISHOP OF YORK said, that in such a case as that put by the noble Marquess every Bishop had the power under the existing law to order the removal.

The Marquess of Bristol

THE BISHOP OF WINCHESTER said, the most rev. Primate had told their Lordships that what the Episcopal Bench sought was not the power to punish. He wished that appeared a little plainer on the face of the Bill. He thought it desirable that the Bill should plainly appear to be one, not for prosecution, but rather for reference, in whatever way might be thought fit, where there was difference of opinion. The general rule was that these alterations were not made without the consent of the incumbent; but they might be made by the churchwardens without the consent of the incumbent. It seemed rather hard, if the alterations had been made by the churchwardens without the consent of the incumbent, that the Bishop's monition should be addressed to the incumbent, and he should propose that the Bishop should have power to issue his monition to the churchwardens also.

THE ARCHBISHOP OF YORK said, it was the duty of the incumbent at present to see that alterations were not made without a faculty.

THE DUKE OF MARLBOROUGH thought the clause would give the Bishop an arbitrary power to move in these matters.

After further conversation,
Amendments *negatived*.

THE MARQUESS OF BATH proposed, in page 3, line 14, after "made" to insert "since the passing of this Act." His object was to prevent interference with what had been already done and which had been approved.

THE ARCHBISHOP OF CANTERBURY observed that he had a case before his Court at present for an illegal erection of "the stations of the Cross" in one of his churches; the Amendment of the noble Marquess would legalize that erection.

THE MARQUESS OF BATH said, the Amendment had nothing whatever to do with anything illegal, but merely with what was done without a faculty.

THE ARCHBISHOP OF CANTERBURY said, in the case to which he referred the erection was alleged to be put up without a faculty.

Amendment *negatived*.

EARL NELSON suggested to amend the first sub-section so as to provide that any alteration in fabric, ornaments, or

furniture made without a faculty should have been made "by the incumbent"—because it would not be fair to an incumbent just appointed to hold him responsible for what he had not assented to and had been done by his predecessor.

THE LORD CHANCELLOR said, the clause only provided for information of a fact being given to the Bishop, and left it an open question to whom the monition should be addressed.

Amendment negatived.

THE MARQUESS OF BATH proposed to substitute "caused" for "permitted" in the next sub-section, as to the use of unlawful ornaments by the minister.

THE ARCHBISHOP OF YORK said, the sub-section proceeded on the assumption that the incumbent was responsible in either case.

THE BISHOP OF PETERBOROUGH said, if the incumbent had not "caused" he could not be accused of having "permitted."

Amendment negatived.

THE LORD CHANCELLOR suggested the introduction of the words "within the preceding twelve months," as the period within which the alteration complained of should have been made in order to make the incumbent liable.

Amendment made.

THE EARL OF LIMERICK moved to omit sub-section (2) and insert instead—

"That the incumbent has failed to observe or cause to be observed within such church or burial ground the directions contained in the Book of Common Prayer relating to the ornaments of the minister of the Church; or"

His object was that defect in the use of the lawful ornaments should come under the Bill as well as excess. The Purchas Judgment had been declared doubtful, and therefore there was some uncertainty as to what ornaments were legal, but however that might be the Bill should be impartial in its action.

THE ARCHBISHOP OF YORK said, the Amendment was by no means clear, and would be a source of controversy. The sub-section spoke of "unlawful ornaments."

EARL NELSON said, it was necessary to prevent a clergyman appearing in his great coat, which would be as great an offence against the common sense of the parishioners as putting on no ornaments at all.

THE LORD CHANCELLOR said, to his mind, it was as clear as possible that the third sub-section did the very thing the noble Earl desired. It defined errors of omission if the incumbent failed to observe the requirements of the Book of Common Prayer.

Amendment, by leave, withdrawn.

EARL BEAUCHAMP proposed to insert the words "or cause to be observed"—his object being to insure obedience, not only on the part of the incumbent, but of any person officiating for him.

Amendment made.

THE MARQUESS OF BATH moved to insert in page 3, line 22, after "prayer," "so far as such directions have not been modified by lawful authority."

Amendment agreed to.

LORD ORANMORE AND BROWNE moved in page 3, line 27, after "ceremonies," to insert—

"Or that the incumbent has used such practice of the confessional as is not contemplated in the Book of Common Prayer."

He regretted that the most rev. Primate was not disposed to accept the Amendment, and particularly so because unless some mention were made of the confessional it might be implied that their Lordships did not condemn the practice. He should be obliged to state what were the very gross abuses which existed under the name of the confessional. ["Order, order!"] He maintained that he was quite in Order; he was speaking on the Amendment.

THE ARCHBISHOP OF CANTERBURY rose to Order. This was a Bill for the regulation of public worship, and he did not know that the noble Lord could show that the practice of confession was a part of public worship.

THE LORD CHANCELLOR remarked that the Amendment seemed to imply that there was a practice of confession contemplated by the Book of Common Prayer.

THE MARQUESS OF BATH said, it was rather late for the most rev. Primate to discover that this Bill had nothing to do with the confessional, for he had a most distinct recollection of the solemn phrases which the most rev. Primate employed when speaking on this very point. At the same time, he thought his noble Friend would do well not to proceed with the Amendment.

LORD ORANMORE AND BROWNE said, if he was out of Order he must submit; but when it was considered that the Amendments already brought forward and to be afterwards submitted would change the whole tenor of the Bill, he thought he was justified in the course he proposed. If merely to please a certain party in the Church, they were to omit certain matters to which he and the Marquess of Salisbury, who was not now present had called attention, it would be seen out-of-doors that their Lordships were avoiding things in which the public took the greatest interest, and which most occupied the public mind at the present time. He felt that he was as much in Order as other noble Lords who had proposed Amendments which had changed the whole nature of the Bill. This Bill had been brought in to suppress lawlessness, and the abuse against which his Amendment was directed was one of the most lawless practices in the Church. ["Order!"] If he were obliged to submit, he must submit; but it would be with the strongest protest in his power, that their Lordships were suppressing in his person the right of free discussion and the public opinion which he expressed.

THE BISHOP OF PETERBOROUGH said, if public opinion expressed itself through the noble Lord, then public opinion ought to speak grammar. The practice of confession he could understand, but "the practice of the confessional" was to him utterly unintelligible. He would respectfully submit that the question before their Lordships was the regulation of public worship, and confession was no part of public worship. The erection of confessionals in churches might, indeed, come under the Bill. It was idle to talk of suppressing the abuses of confession in this off-hand way; it would take another year to legislate on the subject. If the noble Lord desired to suppress abuses of this kind, let him introduce a Bill to suppress them.

LORD ORANMORE AND BROWNE said, if there was no greater objection to his Amendment than a fault in grammar, that was a very little thing. But the reason of the objection of the right rev. Prelate was, that his opinion had considerably varied on the subject. He contended he was in Order, and that his Amendment was strictly within the lines of the Bill.

EARL STANHOPE rose to Order. He did not think a discussion on the subject of confession was relevant, even in the smallest degree, to the clause. He hoped their Lordships would maintain the Rules of Order, without which no debate was possible.

LORD ORANMORE AND BROWNE said, he wished to argue the point of Order, and he would proceed until the House ruled him wrong. He submitted the Bill would fairly comprehend the Amendment he wished to propose.

EARL STANHOPE rose again to Order. When two Peers desired to speak, and a question arose as to which of them should address the House, it was usual to make a Motion that one Peer or the other be heard. It would therefore not be departing from precedent if he were now to move that the noble Lord be not heard.

EARL GRANVILLE hoped the noble Lord would yield to the universal opinion that he had introduced an irrelevant Amendment, and had founded upon it an irrelevant argument.

THE DUKE OF RICHMOND concurred in what had fallen from his noble Friend opposite. No doubt, the general opinion was that the noble Lord was endeavouring to bring before their Lordships an irrelevant subject; and though he thought the noble Lord was, strictly speaking, not out of Order, he trusted that he would, in deference to the feeling of the House, withdraw his Amendment.

LORD ORANMORE AND BROWNE said, that after the polite way in which the leaders of the House had spoken he would act upon their advice.

Amendment, by leave, *withdrawn*.

EARL NELSON moved an Amendment to the effect that every representation by the archdeacon, rural dean, churchwardens, or parishioners, respecting unlawful ornaments, should be made to the Bishop "within one year after the last occasion of the doing or the leaving undone by the incumbent of anything so represented."

After some conversation,

Amendment *negatived*.

Then it was *moved* in line 34, after ("representation") to insert—

("And by a bond executed by him or them and by two other substantial persons as sureties in such sum as shall be fixed by the Rules and

Orders, and conditioned for the payment of such costs as he or they may be at any time during the progress of the cause ordered to pay to the incumbent.")

Amendment (by leave of the Committee) *withdrawn*.

THE LORD CHANCELLOR moved a *Proviso*—

"Provided, That no proceedings shall be taken under this Act as regards any alteration in or addition to the fabric of the church, completed five years before the passing of this Act."

Amendment *agreed to*.

On Question, That the Clause, as amended, stand part of the Bill?

LORD SELBORNE said, that the time had now arrived when it was his duty to take the sense of the Committee on the Amendments of which he had given Notice. If they were adopted, the Committee would entirely omit this clause. He thought the whole scheme of this clause, both as it now stood in the Bill, and as it would stand if the Amendments to be afterwards proposed by the noble Earl (the Earl of Shaftesbury) should be adopted, was open to three great objections; first, that it departed, unnecessarily and, as he thought, to the disadvantage of the Church, from the principle of an executive discretion, subject to law, which was given to the Bishops by the Declaration as to the Service of the Church prefixed to the Prayer Book; a discretion of a quite different kind from any which could be exercised in a litigious or judicial proceeding. Secondly, it introduced, in all these cases, unnecessary elements of disturbance and litigation; accusers and a charge, and a litigious procedure, with its attendant costs; when the practical object might, in his view, be more speedily, cheaply, and better attained without those conditions. Thirdly, it required, in all cases, an investigation into questions of fact, which might be very troublesome and expensive, and which, although unavoidable in criminal cases, when punishment was to follow on proof of the fact, seemed to him irrelevant and superfluous, when the only result was to be a direction as to what should or should not be done for the future. The proposal which he was about to make, whatever might be the objections made to it, would go, at all events, to the root of those evils. He proposed to retrench altogether the first stage of litigation, by saying that there should be no inquiry into any question

of fact; that there should be no three parishioners, nor any other accusers, required to set the Bishop in motion; but that the Bishop might, in all cases, on his own responsibility and of his own authority—whether any representation should have been made to him by any other person or not—issue a monition to any incumbent, directing him either to do anything which the Bishop might deem proper to be done according to the Order of the Church appointed by the Prayer Book, or to abstain from doing anything which the Bishop might deem to be contrary to that order. If the incumbent should then desire to raise the question, whether the directions contained in the Bishop's monition were authorized by law, he would, according to these Amendments, be at liberty to do so, by simply signifying to the Bishop in writing—within a limited time after the receipt of the monition—that he conscientiously believed them not to be so authorized; and in that case, they would not be in any way binding upon him, until either the Bishop, or some parishioner, had obtained a decision to that effect upon the mere question of law, so raised; for which purpose he proposed that there should be a simple, summary, and inexpensive, recourse to the Archbishop in his Provincial Court, with an appeal to the Court of Final Appeal. On the other hand, if the incumbent did not, within the time allowed him for that purpose, signify to the Bishop any such objection to the legality of the monition, he was to be taken as so far acquiescing in it, as to be bound to act, and justified by law in acting upon it, until it should be declared invalid by competent judicial authority. Six months would still be allowed him, notwithstanding such acquiescence, to apply to the Provincial Court—in the same simple and summary way as, in the first case, would be open to the Bishop or to a parishioner—for its decision—subject to appeal—on the mere question of law, whether all or any of the directions contained in the monition, were authorized by law or not; and the same mode of obtaining a legal decision on that question was also to be open for the same period to any parishioner to whom the Bishop's directions might appear to be against law, even if the incumbent took no steps for that purpose. Provision was also made for the possible contingency of some decision of a com-

petent Court being pronounced after the lapse of the six months, in any other case, by which the directions contained in the monition, or some of them, might appear to be illegal; in which event, the same persons who might have raised the question of the legality of the monition within the six months, would still be at liberty to do so. These were the main provisions of the series of Amendments of which he had given Notice; the rest being either consequential on these, or of minor importance. If the Committee adopted these Amendments they would preserve the discretionary and directory power intended, by the Declaration prefixed to the Prayer Book, to be given to the Bishops in matters of this kind; they would at the same time keep that power within the limits prescribed by the same declaration—namely, that no order was to be made by the Bishop contrary to anything contained in that Book; they would provide cheap and summary means of obtaining legal decisions on controverted points, without litigation about any matters of fact, without attributing to the Bishops judicial functions, and without requiring hostilities to be declared between incumbents and their archdeacons or rural deans, or between incumbents and any persons or parties among their parishioners. He was aware that it had been urged, that this scheme with respect to allowing a monition to issue without inquiry, and even without application, would confer a most alarming power on the Bishop, and would throw upon him a responsibility which the Episcopal Bench desired to disclaim. For his own part, he could not see the proposal in that light. As for the responsibility of the Bishops, he thought the Bishops were bound to do their best to repress unlawful practices in the Church within their dioceses, when they were of opinion not only that the law had been broken, but that it ought to be enforced. As for the power which would be given them, it would be no power at all, more than they at present possessed, unless the incumbent thought fit to acquiesce in the monition; he would have nothing to do, but simply to give notice of his objection within the time limited—a fortnight, according to the present form of the proposal; but, if their Lordships deemed it desirable, he should not object to introduce words into the clause

Lord Selborne

providing that reasonable notice of the intention to issue the monition—say a month—should be given to the clergyman; so that no clergyman could possibly be taken by surprise. If the necessary notice of objection were given the monition would have no effect whatever, till a competent Court had declared it to be authorized by law; in which respect his proposal would be far less stringent than the present Bill. Even if no notice of objection were given, the acquiescence of the clergyman, though it would bind him temporarily, would not do so permanently, if the question of law were afterwards raised and decided in his favour; and he might himself raise that question, if he thought fit, without any delay. But it had been urged by his noble and learned Friend the Lord Chancellor, that an incumbent would feel himself aggrieved if a monition were issued without a previous investigation of facts, resulting in proof that he had done, or omitted to do, those things which the monition prohibited or directed; and that, if no such state of facts existed, there would be an undeserved stigma cast upon him. He (Lord Selborne) could not at all concur in the reasonableness of that view. Suppose that the monition were to the effect that the incumbent should not do some specified unlawful thing. Either he was actually doing it, or intended to do it, or he was not doing it, and did not intend to do it. In the former case, there would be very sufficient reason for issuing the monition; and nothing but vexation, delay, and expense, would have been gained by a preliminary inquiry into the fact. In the latter case, the monition would be in accordance with, and not opposed to, the practice and the intentions of the incumbent; it would really be a support to him, from episcopal authority, in his existing practice, which must be already known to the congregation attending his Church. He would have nothing to do but to inform his parishioners that he had received a direction from the Bishop to persevere in that practice; and how this could be any stigma upon him he (Lord Selborne) was unable to conceive. A third case might, possibly, also be supposed, of some equivocal practice, which different persons might see with different eyes. In that case, as in the first, there would be good reason for issuing the monition;

in no case would it have been a fit to the clergyman, to have had intervention of the Bishop's authorisation of his scheme, in almost every would be, that the Bishop, after drawing his attention drawn to the real illegal practices of the incumbent information which he would receive in the ordinary way, would communicate with the clergyman, hear what he had to state, and having done so, to exercise his discretion as to whether he should issue his monition or not.

of the objects which he (Lord Cairnes) had in view, that of retaining present executive power of the office without mixing it up with judicial function, might, indeed, be in some measure attained by Amendments of the noble Earl (the Earl of Shaftesbury), especially if the Committee modified those Amendments, saving to the Bishop a full discretion to refuse to entertain any complaint brought to him. So modified, these Amendments would, no doubt, be a considerable improvement on the Bill, as originally introduced. But they would still be subject to one serious objection, which his Lordship (Selborne's) Amendments would remove. In these Amendments, his Lordship's object was to protect the clergy; he desired also to keep in view the interests of the parishioners. He thought it might be, under the provisions of the Bill, something like what in other cases was called "a friendly suit."

"three parishioners" might propose something to which the incumbent might have no great objection, and the Bishop might possibly agree with them; but the parishioners might find themselves aggrieved. Under his scheme the acquiescence of the incumbent in the monition of the Bishop might lead, possibly with reason, to questions being raised by some of the parishioners; and ought not to be excluded from the scope of raising them. He proposed, therefore, that whether the incumbent acquiesced in the Bishop's monition or not, within six months to obtain, in a summary way, the opinion of the Court on the propriety of the monition. That was not provided for, in any way, by the Bill of the most rev. Primate. Three parishioners might make complaint; the archdeacon, rural dean, and the incumbent might

make complaint, and the Bishop might direct a monition; but, if the incumbent acquiesced, the whole parish would be bound. The noble Earl's Amendment had also lost sight of this point. The noble Earl said if the incumbent, on complaint being made, was willing to leave the matter to the Bishop's decision he might do so; and then, as he understood, the Bishop's decision was to be final. The noble and learned Lord then moved the adoption of the first of the series of clauses he proposed to insert in lieu of the present clauses. The noble and learned Lord concluded by moving the first of his proposed Amendments.

An Amendment moved to disagree to the said Clause, and insert the following Clause:—

(A.) (Bishop may issue monition to secure observance of the law of Divine Service.)

(B.) (Incumbents may object; and not objecting, will be bound by monition.)

(C.) (Power to obtain judicial declaration as to the validity or invalidity of monition from the Archbishop's Court or Court of Final Appeal.)

(D.) (How the questions raised before the Archbishop's Court or Court of Appeal are to be heard and determined.)

An Amendment moved to omit Clauses 8, 9, 10, 11, and substitute New Clauses.

Clause (A.)

"It shall be lawful for the bishop of any diocese, if he shall think fit, and whether he shall or shall not have been previously resorted to by any person for his advice or direction concerning any of the matters in question, at any time to issue a monition in writing, under his hand, to any incumbent within his diocese, giving such directions as to such bishop may seem proper to insure the due observance of the order of the Church of England, as set forth in the Book of Common Prayer, or to prohibit the use in the ministrations of such incumbent, or in any church or burial ground within his parish, of any rites, ceremonies, forms, or observances, or of any ornaments of the church, or of any of the ministers thereof, which in the judgment of such bishop are contrary to law. Such monition may be in the form contained in Schedule (B.) to this Act, or in any form similar in effect thereto; and any such monition may be from time to time, or at any time, revoked by such bishop or his successors."

THE LORD CHANCELLOR said, he entirely recognized the excellent and admirable objects which his noble and learned Friend contemplated in making these proposals; his only doubt was whether his proposition was either practicable in itself or would secure the end he had in view. His first objection was strongly confirmed by what his noble

and learned Friend was obliged to admit. They had to start with what—disguise it as they liked, call it if they pleased “a ministerial act”—was to all intents and purposes a judgment—a monition of the Bishop directed to one of his clergy that certain things should be done or should not be done in a particular church. That could not and ought not to be looked upon as other than a determination by the Bishop. Was it possible to conceive that a Bishop would issue a monition or pass a judgment of that kind without hearing parties and without reference to facts upon which such a judgment ought to proceed? As a familiar illustration, suppose a Bishop thought it right to order that a clergyman in a particular parish church should not preach in a surplice, and the clergyman said he never did preach in a surplice—the Amendment would not allow the incumbent to dispute the fact; and he did not want to dispute the law—he must lie under the monition so far as it imputed to him conduct with which both he and his parishioners knew he was not chargeable, and which the Bishop from erroneous information had imputed to him. His noble and learned Friend (Lord Selborne) said that to remain under a monition of that kind would do him no harm. Suppose a monition to abstain from pilfering—would it do no harm to remain under it and only be allowed to dispute the legality of the charge? His next difficulty was this:—Suppose the incumbent did not want to raise any controversy as to fact, but did want to dispute the law of the monition, the proposal was that he should do that by an appeal to the Supreme Court of Appeal—thus avoiding both litigation and expense. At the outset he entirely demurred to any legislation which would take an original cause to the Court of Final Appeal; for the case in question would not be an appeal at all, inasmuch as there would have been no previous hearing, but simply a ministerial act on the part of the Bishop; and to take it to the Court of Appeal would be as objectionable as it would be to take an original cause now to the House of Lords or the Judicial Committee of the Privy Council. But, suppose the incumbent appealed to the Court—whom was he to meet there? who was to be his antagonist? Suppose the parishioners did not take up the case, was the incum-

bent to be brought face to face with the Bishop as a litigant—a position in which they could not be placed at present?

LORD SELBORNE referred to a case in which a Bishop was prosecutor—*Williams v. the Bishop of Salisbury*.

THE LORD CHANCELLOR said, under the Church Discipline Act there was power to the Bishop to proceed in the first instance; but, in the ordinary administration of a diocese, it was desirable to make arrangements to prevent the Bishop being involved as a litigant—a position which would impair his usefulness. What filled him with apprehension was that this proposal would restore the very state of things it was desired to avoid by the appointment of one independent Judge of the highest position and ability. He hoped that his noble and learned Lord would not imagine that he made these remarks with any other desire than to assist the Committee in arriving at a proper conclusion. He hoped his noble and learned Friend would not press his proposals.

LORD SELBORNE was understood to say he did not think his Amendment would operate in the way suggested. The monition would not impute to the incumbent that he had done anything wrong; it would neither express nor imply anything as to his past conduct. It would be simply a direction to an incumbent to do or not to do a certain thing; and if the Bishop and he were of one mind he would have pleasure in telling the congregations so.

THE ARCHBISHOP OF CANTERBURY said, that knowing how sincerely desirous his noble and learned Friend was to get at the root of the evil, he regretted that he could not accept his Amendments. He did not see how they in any way improved the Bill. Apart from the question of diminishing expense—as to which he was not so sanguine as the noble and learned Lord—it was impossible that a Bishop could, of his own mere motion, have cognizance of all that was occurring in every parish of his diocese; he must have assistance. He was provided with two officers who were called his eyes—namely, his two archdeacons, who were named in the Bill as promoters; in every parish he had his two churchwardens, who were also officers of the Bishop, who were bound to inform him of everything that was going on; and suppose both archdeacons and churchwardens failed in their duty,

certain number of parishioners ought to have the right to go to the Bishop to complain of anything they deemed illegal. So that the Bishop would be set on motion either by archdeacons, churchwardens or parishioners; and that being so, he did not see what would be gained by the first proposal of the noble and learned Lord in lieu of Clause 8. The Bishop must act on the information of others, unless he laid down a rigid code of rules for every parish, and of his own motion followed the breach of them with a monition. The introduction of such a rigid system would be very undesirable, and hardly consonant with the constitution of the Church. In many cases clergymen would conscientiously dissent from a Bishop's view of the law; and if the Bishop did not enforce his monition, he would have made himself ridiculous, and no one would be in any better position than at present. If the monition was to be enforced, there arose the difficult and thorny question who was to be the prosecutor; and if it were said that Bishops were to prosecute, and parishioners were to prosecute, and somebody else was to prosecute, there would be nobody to prosecute. He doubted very much whether this would not in the first place make the Bishop so responsible for everything that went on within the diocese that it would be almost impossible for him to fulfil his duty; secondly, whether it would not place him in a very invidious position; and, thirdly, when he became prosecutor, whether he would not possess powers far beyond those which in their most sanguine moments the Bishops ever desired for the regulation of their dioceses. He was greatly indebted to the noble and learned Lord for the pains he had taken in this matter, but he must concur with the view of the Lord Chancellor on this point.

EARL GREY said, he did not think that the arrangements suggested for enforcing the law would be found to accomplish all that was wanted. As had been said by the noble Marquess (the Marquess of Bath), a great many disputes would arise, involving questions not only of legality or illegality, but of what was expedient or inexpedient. For instance, in large towns, where there were means of having choral services, and where there were other churches to which persons could

go who disliked those services, there might be no grievance in allowing them; but in country places there might be a very great hardship in having services to which many of the parishioners might object. It would be only right that there should be some mode of regulating these matters. The Bishop should be empowered to say not merely what was legal or illegal, but what was expedient or inexpedient. Such a mode of arbitration would be most useful, and would prevent a great deal of heartburning. He was, therefore, disposed to support the Bill as it stood.

THE BISHOP OF LONDON said, he also objected to the noble and learned Lord's proposal. Though the Bishops would not shrink from any responsibility which Parliament might impose on them, yet the working of the Amendments might involve duties which would be very invidious, and which, after all, might do but little good. He was sorry to be obliged to vote against the Amendment.

THE MARQUESS OF SALISBURY feared the clause before the House would not attain the object which his noble Friend on the cross-bench (Earl Grey) had in view; but, nevertheless, he thought his noble Friend's remarks were of sufficient importance to be worthy of a little further reference. The subject on which he dwelt was really the most important one of the whole Bill, and his noble Friend had put his finger upon the sore out of which the present legislation had arisen. It was a very serious grievance when the laity of a church were attached to a particular form of worship that a clergyman should have the power of his own will to entirely alter that form of worship, and that no one should be in a position to restrain him. As long, indeed, as the power was discreetly and moderately exercised, it worked very well; but occasionally, though he believed rarely, cases arose where the incumbent disregarded the wishes of his congregation and the direction of his Bishop. Then the hardship became very real and serious, and produced great disaffection towards the Church. He did not think the noble Earl's suggestion that the Bishop should have the power of intervening between the congregation and the clergyman would be workable. The difficulty which met one at every step in legislating for the Church

of England was that there was no "communicant" rule, such as had been spoken of with reference to the Church of Scotland; and in many parishes the greatest injustice was obviously caused by those inhabitants who, being Englishmen, were legally members of the Established Church, but who practically had nothing to do with her ministrations, possessing the power to thwart the wishes of those who really belonged to her communion. Therefore, for want of power to define what a "congregation" was in the Church of England, he feared there was no chance of devising legislation to remedy the injustice to which the noble Earl referred. Still, there was one provision which might tend to remedy the evil. There could be no doubt that in all places of tolerable size it would be easy to find congregations for all the various types of worship which the Church of England included; and although a congregation might be divided among themselves into two parties, yet if there were any means of separating them they would both go on happily together—[*Laughter*—]he meant apart. He believed that some arrangement of that kind, enabling the Bishop to separate those who were unfortunately joined together, might be obtained by simply providing that places of worship not attached to the cure of souls should be outside the operation of the Bill. Thus it would be in the power of the Bishop to relax the rigour of ecclesiastical law in towns and large places where there was sufficient material for congregations of the various types of worship which the Church of England included. The liberty of the Bishop would be very much increased, for he would have the right of saying—"Though I do not think the form of worship in this church ought to be continued where many people may reasonably complain that it is not strictly according to the letter of the rubric, still I think it expedient that this form of worship should be allowed to go on in a church to which no cure of souls is attached;" and the result would be that the Bishop would be able to give satisfaction to the feelings of those who were somewhat eccentric in their tastes without infringing the rights of those who preferred a more sober type of worship. One cause of the great power of the Church in the world was that she

had known how to utilize and keep within her own bosom every kind of enthusiasm. His objection to legislation of this kind was that it would shake out all enthusiasm, and leave nothing but a mass of dry bones. If, however, a discretionary power such as he had referred to were given to the Bishop, not only would this legislation be harmless, but it would be the means of keeping in the Church many persons who would otherwise leave it.

THE EARL OF HARROWBY suggested that no alteration in the form of worship should be made unless the clergyman gave due notice to the congregation, and also obtained the approval of the Bishop.

THE BISHOP OF SALISBURY said, he was happy to say that the diocese over which he presided was at peace, and needed no Act of Parliament; and he looked with sorrow and sadness at this Bill, and he feared that if it passed there would be an end to peace for the term of human life. The peace of his diocese was not that of stagnation, but the peace of brotherhood, union, good understanding, and consideration for one another; but there was no parish probably in which three persons could not be found perfectly ready to put the whole of the machinery of this Bill into motion. They need not be "communicants," or even "worshippers." Where was there any parish in which nothing had been done without a faculty? The Ecclesiastical Commissioners never thought of taking out a faculty for anything done under their authority; but the whole artillery of this Bill was directed against the unfortunate incumbent. He had not voted against the second reading and thereby he had discharged whatever responsibility might be supposed to attach to him in regard to the framing of the Bill; but the Bill itself he heartily and entirely disapproved, because, though it might be necessary that a few dozens of clergymen in their sad and unjustifiable lawlessness should be strongly and promptly repressed, he could not help feeling that thousands of our best clergymen came within its scope. Many of their Lordships evidently shared his regret, and the result was an unheard-of shoal of Amendments. Among these was the scheme of neutralization of certain topics; a scheme which as a temporary

3, designed to lead to a lasting peace it be desirable, but certainly this was legislation. He should vote for the amendment of the noble and learned

Lord HATHERLEY said, that his noble and learned Friend (Lord Selborne) proposed to omit the 8th clause in order to lay the foundation for his scheme of legislation, the object of which he said was to promote peace and harmony between the Bishops and their clergy and the clergy and their congregations. If he could suppose that his amendments would do that, he (Lord Hatherley) would support them. He did, however, that his noble and learned Friend's scheme was singularly adverse to such a state of peace and harmony. The most rev. Primate prohibited by his Bill that the Bishop was to enter into any litigation whatsoever upon his own mere Motion, but that having had his attention called by one of the persons named in the Bill to irregularity he should carefully inquire into the case. The Bishop would then come as an arbitrator and adviser, and as he had a discretion vested in him to proceed or not proceed upon the complaint which might be brought before

As far, therefore, as the Bishop was concerned, he came in as a peacemaker. But the motion proposed by the amendment of his noble and learned Friend was really a legal proceeding, and could not be regarded as anything

His noble and learned Friend said that his mode of procedure came as near as possible to that of the Prayer Book, which suggested that any matter of dispute should be taken to the Bishop for his opinion about an amicable arrangement; when they went to legislation that was past. If they could settle disputes in the mode recommended by the Prayer Book no legislation was necessary. His right rev. Friend (the Bishop of Salisbury) said that in his diocese there was perfect peace; his serenity was not ruffled by recalcitrant clergy or unruly parishioners; and he desired still. But was that the general case? It was notoriously the reverse, and the Bill was justified on the ground that there were some of the clergy who would not state that they would obey their superiors just as far as the solicitor, or as the Privy Council said they must, and no further. Indeed many would not go

so far but insisted, each, on being his own Pope. In such cases what was the course proposed by his noble and learned Friend? The Bishop must make an inquiry; but of whom? It could only be of the archdeacon, the rural dean, the churchwardens, or the principal parishioners—the very persons named in the Bill as entitled to complain. The only difference was that, in his scheme, the complaint was not an open one. The noble and learned Lord said that there was no charge made; but when a clergyman received a monition, surely he must have been charged with something or other. The result of the present proposal would be a private inquiry behind the back of the clergyman, who would know nothing at all of his accuser. It would be far better if the accuser, whether archdeacon, rural dean, or parishioner, came forward openly. If it was to be merely a friendly inquiry and friendly interference, there was no occasion for the Bill at all, inasmuch as legislation was not wanted where there was obedience. In the diocese of Salisbury the Bill was not wanted at all; but still less acceptable even in that diocese would be the scheme of the noble and learned Lord, which in no degree discouraged litigation, but placed its initiation in a secret rather than in an open process. But call it what they might, it would inevitably take the shape of litigation; and should the matter happen to be disputed, the battle would have to be fought by the Bishop, who would thus be placed in a position inconsistent with the true nature of his office. He should therefore vote against the Amendment.

THE MARQUESS OF BATH said, that there was no good ground for the assertion that the clergy would only obey the law in so far as they were compelled. What the clergy required was, that the law should be defined, so that they might be able to obey it.

THE ARCHBISHOP OF CANTERBURY rose to Order. The Bill was now in Committee, and they were now discussing a particular clause. It was, therefore, quite out of Order for the noble Marquess to discuss the general principles involved. He was surprised that the noble Marquess was not satisfied with the number of times he had already spoken on the Bill.

THE MARQUESS OF SALISBURY observed that the general principle had been raised by the Amendment which had been proposed by the noble and learned Lord opposite, and therefore the noble Marquess was perfectly in Order in discussing them.

THE MARQUESS OF BATH did not wish to give any annoyance to the most rev. Prelate, but must say that the discussion had been raised by the noble and learned Lord who had moved the Amendment.

THE BISHOP OF OXFORD observed that the title of the Bill was the Public Worship Regulation Bill, and the object of the Amendment was to bring it really into that shape.

On Question? *Resolved in the Negative.*

Clause, as amended, *agreed to.*

Clause 9 (Consideration of the representation by the Bishop).

THE EARL OF SHAFTESBURY said, he much objected to leaving any discretion with the Bishop as to permit suits to be instituted or not; but he saw the feeling of the Committee was so strong in favour of giving some discretion to the Bishop that he was prepared to withdraw his opposition to the proposal now made, on the condition that the Bishop, when refusing permission to institute a suit, should keep his reasons in writing to the complainant, and the person complained of.

Moved, after Clause 8, to insert the following Clause:—

"Unless the bishop shall be of opinion that proceedings should not be taken in the representation (in which case he shall state in writing the reason for his opinion), he shall within twenty-one days after receiving the representation transmit the same to the person complained of, and shall require such person, and also the person making the representation, to state in writing within ten days whether they are willing to submit to the directions of the bishop touching the matter of the said representation, without appeal. And, if they shall state their willingness to submit to the directions of the bishop without appeal, the bishop shall forthwith proceed to hear the matter of the representation in such manner as he shall think fit, and shall pronounce such judgment and issue such (if any) monition as he may think proper, and no appeal shall lie from such judgment or monition. Provided that no judgment so pronounced by the bishop shall be considered as finally deciding any question of law so that it may not be again raised by other parties."—(*The Earl of Shaftesbury.*)

THE LORD CHANCELLOR said, he had the utmost confidence that the discretion vested in the right rev. Bench would be properly exercised. Perhaps, however, it would be better that the question should be settled at once, as he would therefore propose that the clause should be so amended that provision should be made that, unless the Bishop should be of opinion that proceedings ought to be taken on the representation, he should state in writing that he would, within 21 days after receiving it, transmit it to the person complained of.

LORD STANLEY OF ALDERLEY was understood to support the Amendment.

EARL NELSON suggested that some security would be given for the discretion of the Bishop by inserting, instead of "and shall require," the words "and shall in each case require."

In reply to the Marquess of BATH,

THE LORD CHANCELLOR said, the Bishop would have to look to the matter of complaint alleged and say whether it was a subject to be investigated. If it was right to be investigated it should not be stopped—the investigation should go on.

EARL BEAUCHAMP asked what steps the noble Earl proposed to take to insure that the rest of the parish should know what was going on; what security they would have that the Bishop would not, on the representation of the three, settle a question without the other parishioners ever hearing anything about the matter?

THE BISHOP OF PETERBOROUGH thought it rather a strange course to propose to give a discretion to the Bishop and then to presume that he would do acts of indiscretion which no sane man could commit. To suppose that three parishioners would go privately to the Bishop of the diocese with some complaint, and that he would settle the matter with them in some hole and corner manner, without taking any step to ascertain the feelings of the parishioners in general, was altogether absurd. If they gave a discretion to the Bishop, it must be on the assumption that he would not invariably act indiscreetly. Some degree of mutual confidence, it was said, was the basis of civilization. Neither the Church nor any other institution could be governed on a basis of universal suspicion.

EARL BEAUCHAMP said, it was all very well to make appeals of that kind, but the Bill was founded on the assumption that there were many aggrieved parishioners, and all he asked was that whatever was done should be done in such a manner that all who were affected should have ample notice, and that three parishioners should not obtain a ruling of the Bishop without due publicity.

LORD SELBORNE said, so far as he could see, no liberty was given to any parishioners to raise the question whether the decision of the Bishop was a right one. No doubt, when the question had been once heard and decided by the Bishop it should not be opened again in the same parish; but on the other hand no Bishop should have power to decide what was or was not law.

THE ARCHBISHOP OF YORK said, words might be introduced, as in other Acts, requiring the exhibition of the citation on the church door, and he proposed to give an appeal upon points of law to the Court above.

EARL BEAUCHAMP suggested that the difficulty as to notice might be met by inserting in the Amendment the words "after due notice," in lieu of "forthwith," in the sentence requiring the Bishop to proceed to hear the matter of the representation.

LORD SELBORNE did not see how other parishioners were to be enabled to become parties to the suit. He saw no alternative but the abandonment of the friendly proceeding if the decision was to bind the rest of the parish for all time.

THE LORD CHANCELLOR said, that unless a parishioner who suspected collusion had the right to come in, there was no use in giving public notice, and if the area of litigation was thus enlarged, there was an end to the stipulation beforehand with regard to there being no appeal. He would suggest that the clause should be so amended as that a report of all proceedings before the Bishop should be within a certain time transmitted to the Archbishop of the province for him to consider whether there should be an appeal or not.

THE ARCHBISHOP OF CANTERBURY trusted the preliminary proceeding would not be abandoned because he was sanguine enough to believe that many disputes would be settled by it. When the first excitement subsided there would

be every disposition to trust the Bishops. To take out the arbitration would be to make the Bill provide a system of police inspection, and destroy the character they had endeavoured to maintain for it by attempting to settle these matters by the paternal authority of the Bishop. He believed the great majority of cases would be settled by this arbitration, which he considered to be one of the most important parts of the Bill.

LORD SELBORNE said, no one wished less than he did to introduce any unnecessary element of litigation; what he desired was to obtain an amicable settlement of these disputes; but the practical object of mediation and amicable settlement might be attained without saying that the parish was to be bound by it; for if the parish was to be bound we should have different laws in different parishes.

THE BISHOP OF WINCHESTER said, that after three or four of these cases had been decided by the supreme Judge, people would be willing to abide by the decision of the Bishop, who would learn what the law was from these decisions, and would administer it in a kindly spirit. He was very much mistaken if both clergymen and parishioners would not be willing to submit. He could assure their Lordships, from personal experience, that a vast number of such questions were submitted to Bishops from time to time.

EARL GREY thought some words should be introduced to prevent other parishioners, when the original complainants had agreed to submit to the Bishop's judgment, from raising the same complaints afterwards.

THE LORD CHANCELLOR said, it would be impossible to bind other parishioners. If three parishioners complained to the Bishop of something the incumbent had done, and both they and the incumbent consented to abide by his decision, and the Bishop decided against the complainants, his decision was conclusive as far as they were concerned; but the incumbent might be subjected again and again to exactly the same complaints from other parties. That was not a position in which an incumbent ought to be placed. In fact, if they could not trust the Bishops with this discretionary power, they had better take it away altogether, without seeking to restrict or modify it.

THE ARCHBISHOP OF CANTERBURY could not consent to give up the arbitration of the Bishop.

THE BISHOP OF PETERBOROUGH assured their Lordships that complaints of the kind referred to were made nearly every week. This was the course ordinarily taken. The parishioner would go to the incumbent and say what it was that he did not like; the incumbent might reply that he should go on with it; upon which the complainant would say that he should appeal to the Bishop. Then if the clergyman had any party of his own in the parish they would take good care to send a counter memorial. In his diocese he had never had a memorial complaint without its being very quickly followed up by a counter statement. If the House would trust a little to human nature they need not fear that anything could be settled without the parish knowing what was going on.

EARL BEAUCHAMP remarked that the decision of the Bishop in these cases would not be a decision having the force of law.

THE MARQUESS OF SALISBURY said, it was not necessary to have an Act of Parliament to enable two parties to submit a question for decision to a third; but if they had to deal with persons who would not submit, an Act of Parliament would be necessary.

THE ARCHBISHOP OF CANTERBURY said, the object was to protect incumbents against incessant complaints.

THE ARCHBISHOP OF YORK observed that not a single word was to be said against the proposal of the noble Earl if the words "after due notice" were put in, and it would be easy to insert a clause by which an appeal to a higher Court would be allowed.

THE MARQUESS OF SALISBURY felt very strongly that this was a proposal to do that which all along they had been anxious to avoid—namely, to give to an "unlearned person" the power to say what the law was. He would move, therefore, in line 2, to omit the words ("to the person complained of")—the object being to bring the matter at once before the Judge.

THE BISHOP OF WINCHESTER said, it appeared to him that the whole Bill depended upon this clause, and that if the Amendment were carried the measure would be useless.

THE BISHOP OF GLOUCESTER AND BRISTOL earnestly besought the Lordships to retain the clause.

THE DUKE OF MARLBOROUGH said it seemed to have escaped the notice of his right rev. Friends that the discretion placed in their hands as to whether they would proceed or not gave them all the necessary power. A representation would be made to the Bishop, who would call the parties before him, and after hearing them quietly *in camera* in the first instance, would recommend them to follow the course best calculated in his judgment to produce harmony.

THE EARL OF KIMBERLEY maintained that it would not be satisfactory to place in three or ten parishioners, as the case might be, a positive discretion to bind the whole parish by their agreement that the Bishop should decide the matter.

THE ARCHBISHOP OF YORK said, there was a general understanding on a previous occasion that the Government would support the clauses of the noble Earl (the Earl of Shaftesbury).

THE DUKE OF RICHMOND protested against this statement.

THE ARCHBISHOP OF CANTERBURY put it to their Lordships whether it was not tolerably clear, after what the noble and learned Lord (the Lord Chancellor) had stated as to the Amendments of the noble Earl (the Earl of Shaftesbury), that those Amendments were not unacceptable to Her Majesty's Government. After the statement of the noble and learned Lord, he was a little surprised that one of the most valuable proposals the noble Earl should be suddenly thrown over.

THE LORD CHANCELLOR said, that on behalf of Her Majesty's Government he had expressed an approval of the general principles of the proposal of the noble Earl; but he stated at the same time that there were many objections as to the finality of the decision arrived at by the Bishop.

THE EARL OF SHAFTESBURY thought it was very natural that the noble and learned Lord on the Woolsack should have undertaken to support his (the Earl of Shaftesbury's) proposal, because he was a party to a Bill which was sent down to the House of Commons in 1872, and which contained this proposal.

Question, That the words proposed
set out stand part of the Clause?
Lordships divided:—Contents 93;
nents 51: Majority 42.

led in the Affirmative.
was agreed to.

CONTENTS.

ary, Archp.	Salisbury, Bp.
rchp.	St. Asaph, Bp.
	Winchester, Bp.
, D.	
ire, D.	Boyle, L. (<i>E. Cork and</i>
ter, D. [<i>Teller.</i>]	<i>Orrery.</i>)
M.	Brodrick, L. (<i>V. Midle-</i>
	<i>ton.</i>)
enny, E.	Carysfort, L. (<i>E. Carys-</i>
r.]	<i>fort.</i>)
t, E.	Chaworth, L.
, E.	(<i>E. Meath.</i>)
t, E.	Clermont, L.
, E.	Clinton, L.
ter, E.	Clonbrock, L.
, E.	Colchester, L.
E.	Cottesloe, L.
am, E.	De Mauley, L.
se, E.	De Saumarez, L.
i.	Dinevor, L.
od, E.	Egerton, L.
by, E.	Ellenborough, L.
s, E.	Ettrick, L. (<i>L. Napier.</i>)
s, E.	Foley, L.
E.	Greville, L.
E.	Grinstead, L. (<i>E. Ennis-</i>
ke and Mont-	<i>killen.</i>)
ry, E.	Gwydir, L.
L.	Hampton, L.
se, E.	Inchiquin, L.
villa, E.	Lawrence, L.
a, E.	Lisgar, L.
rave, E.	Londesborough, L.
	Lyttelton, L.
	Moore, L. (<i>M. Drog-</i>
ary, V.	<i>heda.</i>)
ty, V. (<i>E. Clan-</i>	Northwick, L.
)	Overstone, L.
y, V.	Penrhyz, L.
court, V.	Redesdale, L.
lan, V.	Ross, L. (<i>E. Glasgow.</i>)
town, V.	Saltersford, L. (<i>E. Cour-</i>
	<i>town.</i>)
id Wells, Bp.	Saltoun, L.
, Bp.	Somerton, L. (<i>E. Nor-</i>
ter, Bp.	<i>manton.</i>)
Bp.	Sondea, L.
ter and Bristol,	Stanley of Alderley, L.
	Strafford, L. (<i>V. En-</i>
d, Bp.	<i>field.</i>)
I, Bp.	Waveney, L.
, Bp.	Wenlock, L.
Bp.	Winmarleigh, L.
ough, Bp.	Wolverton, L.
Bp.	Wrottesley, L.
er, Bp.	Wynford, L.

NOT-CONTENTS.

L. (<i>L. Chen-</i>	Richmond, D.
)	Rutland, D.
t, D.	Bath, M.

Lansdowne, M.	Belper, L.
Salisbury, M. [<i>Teller.</i>]	Bloomfield, L.
	Boston, L.
Airlie, E.	Clanbrassill, L. (<i>E.</i>
Beauchamp, E.	<i>Roden.</i>)
Camperdown, E.	Colville of Culross, L.
Carnarvon, F.	Delamere, L.
De La Warr, E.	De Tabley, L.
Ducie, E.	Dunboyne, L.
Eldon, E.	Ebury, L.
Ellesmere, E.	Eliot, L.
Feverham, E.	Foxford, L. (<i>E. Lime-</i>
Haddington, E.	<i>rick.</i>)
Kimberley, E.	Hammond, L.
Morley, E.	Hartismere, L. (<i>L. Hen-</i>
Morton, E.	<i>niker.</i>)
Powis, E.	Hatherley, L.
Shaftesbury, E. [<i>Teller.</i>]	Monck, L. (<i>V. Monck.</i>)
Shrewsbury, E.	O'Neill, L.
Sommers, E.	Plunket, L.
Strathmore and King-	Selborne, L.
horn, E.	Silchester, L. (<i>E. Long-</i>
	<i>ford.</i>)
Cardwell, V.	Skelmersdale, L.
Doneraile, V.	Stewart of Garlies, L.
Hawarden, V.	(<i>E. Galloway.</i>)
	Templemore, L.
Bagot, L.	

Then the said Clause was *agreed to.*

Then it was *moved* by the Earl of
SHAFTESBURY to insert the following
Clause:—

"If the said persons respectively shall not,
within the time aforesaid, state their willingness
to submit to the directions of the bishop, the
bishop shall forthwith transmit the representa-
tion in the prescribed mode to the archbishop
of the province, and the archbishop shall forth-
with require the judge appointed under this Act
to hear the matter of the representation either
at any place within the archdeanery in which
the incumbent holds preferment, or in which he
resides, or at any other place within the diocese
or province."

Then it was *moved* by the Earl NELSON,
in line 2 of the said clause after the
second ("bishop") to insert ("security
for costs having been given.")

On Question, "Whether the said
words shall be then inserted?" Their
Lordships *divided*:—Contents 71; Not-
Contents 58: Majority 13.

Resolved in the Affirmative.

Clause, as amended, *agreed to.*

THE EARL OF SHAFTESBURY *moved*
to insert the following clauses:—

"The judge shall give not less than twenty-
one days' notice to the parties of the time and
place where he will proceed to hear the matter
of the said representation."

"The person complained of (herein-after called
the defendant) shall within fourteen days after
such notice transmit to the judge, and hand to
the party making the representation (herein-
after called the complainant), a succinct state-
ment of his answer to the representation, and in
default of such answer shall be deemed to have

denied the truth or relevancy of the representation."

"In all proceedings before the judge under this Act the evidence shall be given *viva voce*, in open court, and upon oath; and the judge may require and enforce the attendance of witnesses, and the production of evidences, books, or writings, in the like manner as a judge of Her Majesty's High Court of Justice."

"Unless the parties shall both agree that the evidence shall be taken down by a shorthand writer, and that a special case shall not be stated, the judge shall state the facts proved before him in the form of a special case, similar to a special case stated under The Common Law Procedure Acts, 1852-1854; and he shall transmit to the bishop a copy of such special case, together with the judgment which in his opinion ought to be pronounced on the matter of the representation."

"The judge shall deliver to the parties, on application, a copy of such special case and report."

"The complainant and defendant may, at any time after the making of a representation, state any questions arising in such proceedings in a special case, provided it be signed by a barrister-at-law, and the parties, after signing and transmitting the same to the bishop, may require it to be transmitted to the judge for hearing and report; and the judge shall hear and make his report on the said case in the manner hereinbefore mentioned."

"The bishop, on receiving the report of the judge, shall proceed to give judgment in accordance with the report, and to issue such monition (if any) as the report shall advise to be issued, and shall make such order as to costs as in the report shall be mentioned."

"Upon every order or sentence of the bishop made in pursuance of a report of the judge, an appeal shall lie, in the form prescribed by rules and orders, to Her Majesty in Council, and Her Majesty in Council may refer the same to the Imperial Court of Appeal as constituted by the Judicature Acts, 1873, 1874."

Clauses agreed to.

Clauses 9 to 12 struck out.

Clause 13 agreed to.

Clauses 14, 15, and 16 struck out.

THE EARL OF SHAFTESBURY moved to insert the following clause:—

"For the purpose of an appeal to Her Majesty in Council under this Act, the special case settled by the judge, or a copy of the shorthand writer's notes, as the case may be, shall be transmitted in the manner prescribed by rules and orders, and no fresh evidence shall be admitted upon appeal except by the permission of the tribunal hearing the appeal."

Clause agreed to.

House resumed; House to be again in Committee (on Re-commitment) Tomorrow.

House adjourned at a quarter past Twelve o'clock, till Eleven o'clock.

HOUSE OF COMMONS,

Monday, 8th June, 1874.

MINUTES.]—NEW WRIT ISSUED—For Durham County (Northern Division), *v.* Isaac Lothian Bell, esquire, and Charles Mark Palmer, esquire, void Election.

PUBLIC BILLS—Ordered—First Reading—Friendly Societies* [140]; Public Petition (Preparation and Presentment) Act (1662) Repeal* [141]; Waterford Grand Jur Transfer* [142].

First Reading—Boundaries of Archdeaconries and Rural Deaneries* [143].

Second Reading—Merchant Ships (Measurement of Tonnage)* [118]; Militia Law Amendment* [130]; Canadian Stock (Stamp Duty on Transfers)* [133]; Colonial Clergy* [124].

Second Reading—Referred to Select Committee—Municipal Elections* [84], committed to Select Committee on Boroughs (Auditors and Assessors).

Select Committee—Chain Cables and Anchors* [85], nominated.

Committee—Report—Intoxicating Liquors* [83-139]; Land Tax Commissioners Names* [76]; Four Courts Marshalsea, Dublin* [116]; Herring Fishery Barrels* [107]; Churches and Chapels Exemption (Scotland)* [108]; Bar Admission Stamp* [109]; Public Health (Scotland) Supplemental* [106]; Courts (Colonial) Jurisdiction* [111].

Considered as amended—Board of Trade Arbitrations, Inquiries, &c. [86].

Third Reading—Revenue Officers Disabilities* [15]; Leases and Sales of Settled Estates* [8], and passed.

CONTROVERTED ELECTIONS—BOSTON BOROUGH.

MR. SPEAKER informed the House, that he had received from Mr. Justice Grove, one of the Judges selected pursuant to the Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the Borough of Boston. And the same was read to the effect "that the said Thomas Parr being one of the Members whose Election Return were complained of in the said Petition was not duly elected or returned, and that Election and Return were and are wholly void on the ground of bribery by agents, and I do hereby certify in writing such determination to you. And it appearing to me on the trial of the said Petition that a question of Law with reference to agency so far as regards the Respondent William James Ingram required further consideration by the Court of Common Pleas, I postponed my Judgment and the granting of the Certificate in respect of the Election and Return of the said William James Ingram, until the determination of such question by the said Court, and I reserved such question accordingly."

"And whereas the said John Wingfield Malcolm prayed that it might be determined that he was duly elected and ought to have

med, and it appearing to me on the that a question of Law with reference a votes so far as regards the claim of over the said John Wingfield Malcolm further consideration by the Court of Pleas, I postponed my Judgment and ting the Certificate in respect of the and Return of the said John Wingfield until the determination of such ques- the said Court, and I reserved such accordingly."

LEGE—PETITION—OFFENSIVE IMPUTATIONS.

HARLES FORSTER, Chairman Committee on Public Petitions, hat a few days since the hon. r for South Ayrshire (Colonel ler) presented a Petition to the from Mr. Rigby Wason. Upon ation, that Petition had been o contain offensive imputations re conduct of the Select Com- on Public Petitions. As such, not a Petition which could be l, as it almost amounted to a of the Privileges of the House. refore moved that the Order that ition should lie on the Table be zed.

WEL ALEXANDER said, in as- to the proposal of the hon. r, he must express his obliga- o him for the consideration he had shown him, and for the in which he had brought this n before the notice of the ; and he must further express to se his deep regret that he should esented a Petition embodying an tion on one of the Committees House. He felt that he must the whole blame which neces- and very properly attached to roceedings, and he should not o escape from it by pleading entary inexperience. What he d was, that he did not return ition to Mr. Wason, requesting withdraw any expressions which be deemed offensive or objec- s; and he was quite sure that ason, who was for many years ber of the House, and might not own to some hon. Members, ave done what was asked of him. ld only once more assure the of his deep and unfeigned regret ; occurrence, and his determina- the future narrowly to scan the

contents and terms of any Petition he might present to the House.

Order [2nd June] That the Petition do lie upon the Table read, and *dis- charged* :—Petition *withdrawn*.

ARMY—VOLUNTEERS—CAPITATION GRANTS.—QUESTION.

MR. HAYTER asked the Secretary of State for War, If he would explain to the House, whether Lieutenants of Volunteer Corps already on the strength, but by the last Circular made supernu- merary, are entitled by attending the required number of drills to Capitation Grant of 30s., and when passed through the examination for proficiency, to the extra Grant of £2 10s.; and, whether Sub-Lieutenants by attending the pre- scribed number of drills, can earn the Capitation Grant of 30s., and if passing examination at school or before board, will be allowed the extra £2 10s.

MR. GATHORNE HARDY, in reply, said, that in both cases the capitation grant and the extra grant were open to lieutenants and sub-lieutenants of Vo- lunteer Corps under the conditions re- ferred to.

METROPOLITAN IMPROVEMENTS — GROSVENOR PLACE.—QUESTION.

MR. ADAM asked the First Commis- sioner of Works, Whether Her Ma- jesty's Government have been in com- munication with the Metropolitan Board of Works, with the view of widening the road at the top of Grosvenor Place, or taking any other steps to ease the block of traffic at Hyde Park Corner; and, whether he can inform the House what course he proposes to pursue to effect this necessary improvement?

LORD HENRY LENNOX, in reply, said, that he had not as yet communi- cated with the Metropolitan Board of Works respecting the widening of the upper part of Grosvenor Place, because the scheme which he had been consider- ing for the relief of the traffic at that point was not sufficiently matured to en- able the Metropolitan Board of Works fairly to consider it. He could assure the right hon. Gentleman—and he be- lieved it was unnecessary for him to assure his hon. and gallant Friend the Chairman (Sir James Hogg)—that he should not decide upon any question of

metropolitan improvement without consulting with him and his colleagues—neither should he do anything in the matter which could in any way be distasteful to them, or which would lessen their responsibility. Perhaps he Lord Henry Lennox might be allowed, at the same time, to answer a Question on the same subject which was to be put to him later by his noble Friend the Member for Marlborough, Lord Ernest Bruce, and to say that he hoped shortly to be able to submit a plan for relieving the present dangerous state of affairs at Hyde Park Corner. When he did so, he would at the same time cause a model showing the proposed change to be exhibited in the Library of the House of Commons, or in one of the rooms adjacent to it.

METROPOLIS—SHELTER FOR RIDERS IN HYDE PARK—QUESTION.

Mr. ADAM asked the First Commissioner of Works, whether his attention has been drawn to the Papers in the Office of Works with reference to providing places of shelter for riders in Hyde Park; and whether he will consider, before the introduction of the Estimates for next year, the advisability of making some provision for this purpose?

Lord HENRY LENNOX, in reply, said, that his attention had been directed to the subject, and he would assure the right hon. Gentleman that it should not be lost sight of when the time came for preparing the Estimates for next year.

THE CAPE COLONY—NATAL—THE LATE RAFFLE OUTBREAK—QUESTION.

Mr. KNATCHBULL-HUGESSEN asked the Under Secretary of State for the Colonies, when the Papers relating to the late rebellion in Natal, and the measures taken for its suppression, will be laid upon the Table of the House?

Mr. J. LOWTHER: Sir, considerable progress has been made with the preparation of these Papers, but the Secretary of State is still awaiting replies to some Despatches which it is desirable should appear along with the earlier Correspondence. I am in hopes that they will shortly come to hand, when no time will be lost in presenting them to Parliament. I am unable to

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say with any certainty when the answers will arrive; but if they are not received at an early date, measures will be taken with a view of expediting the completion of the Correspondence.

VALUATION OF PROPERTY BILL—RATING OF MINES.

QUESTION.

Mr. KNOWLES asked the President of the Local Government Board, If he would explain to the House what the Valuation of Property Bill does or does not apply to Scotland and Ireland, and iron mines and all mineraliferous areas already assessed for the relief of the poor and other local purposes in those places; and why coal and all other mines should not be rated in the same definite and specific mode as that proposed for tin and copper in the provisions of the said Bill?

Mr. SCLATER-BODD: Sir, the provisions of the Bill are not extended to Scotland and Ireland, because the objects which the Government had in view when introducing it are, for all practical purposes, already secured in those countries. Coal mines are already rated satisfactorily under the present law, which seems equally applicable to iron mines, the produce of both being of a comparatively certain and ascertainable character. The case of tin and copper mines, however, is exceptional, and it seems difficult to form an estimate of their probable annual value. Hence it is proposed to accept the basis of assessment contained in the Bill, which has the concurrence of all parties interested, not only of the owners and occupiers of the mines, but also of the Assessment Committees, as representing the general interests of the ratepayers.

LEGISLATION—ENDOWED SCHOOLS—QUESTION.

Mr. LEATHAM asked the Vice-President of the Committee of Council, Whether it is the intention of the Government to introduce a Bill dealing with the subject of Endowed Schools; and whether it is their intention to propose the prolongation of the powers of the existing Commission?

VISCOUNT SANTON: A Bill dealing with the subject of endowed schools has been prepared, and will

be laid before Parliament. In the second part of the Question, must beg the hon. Gentleman from mentioning what any provisions of the measure will be is actually brought forward in mt by the Government.

ARMY—SOLDIERS' WIVES.

QUESTION.

VERNER asked the Secretary, If he would explain to the why a number of families of were left at Bermuda in April when the men were sent to Gibraltar and Malta in the troop-ship ;" what number of these were left; were not the families ds sent by mail steamer via at great expense to England, f to the Mediterranean; what expense incurred; and, whether mpanies of Sappers are moved from Bermuda to other stations, e families will be separated from and fathers; and, if so, l be done with them?

ATHORNE HARDY, in reply, at the reason why the families ion were left at Bermuda was r were not on the married estab- . Some of them had gone to t on their own account, and l been taken through the kind- the commander of one of the ts, and it was not usual to treat the same way as those who were arried establishment. The num- he families in question were 26 and 46 children. With regard ird part of the Question, the t of the regulations was, that in a similar position might be the public expense, provided mediately went to their homes, vas not usual to send to the where the troops were going as e not in the establishment. The incurred on this occasion was s. 6d. With regard to the last he Question, the families would o separated if it were possible . it. Should there not be room ransport those who were on the establishment would receive ce money, and the others would d in the same manner as the and children were in this case.

THE GOLD COAST.—QUESTION.

MR. HANBURY asked the Under Secretary of State for the Colonies, If he will state to the House on what day he intends to propose the Supplementary Estimate for the Government of the Gold Coast, which it was promised should be proposed early after the Whitsuntide Recess?

MR. J. LOWTHER: Sir, the Estimate is already prepared, and will be ready for presentation to the House whenever an opportunity can be obtained. As to fixing a day for the discussion, my right hon. Friend at the head of the Government is about to make a statement as to the course of Public Business, and he will probably give full information upon the point.

THE JUDICATURE ACT—THE RULES.

QUESTION.

SIR HENRY JAMES asked Mr. Attorney General, Whether he can state when the Rules directed to be framed under the sixty-eighth section of the Judicature Act will be laid before the Houses of Parliament; and, whether, in the event of no opportunity being afforded for the consideration by Parliament of such Rules before they take effect, the Government will introduce a Bill for the purpose of postponing the date on which the Judicature Act shall come into operation?

THE ATTORNEY GENERAL: Sir, I am desirous, in answer to the Question of the hon. and learned Gentleman, to give a full explanation, as some misapprehension appears to exist as to the Rules connected with the Judicature Act of 1873. A code of Rules of Procedure was appended in a Schedule to that Act. These Rules have been already approved by Parliament, and will come into operation on the commencement of the Act, on the 2nd of November of the present year. A power is given by the 74th section of the Act to the majority of the Judges of the Supreme Court to alter or annul these Rules at any time after the commencement of the Act, that is, after the 2nd of November, 1874, and also to make any new Rules, after the commencement of the Act, as to practice and procedure. Any Rules thus made by the Judges, after the 2nd of November, 1874, are to be laid before Parlia-

ment in the usual way. In addition, however, to the Rules which I have just referred to—namely, Rules in the Schedule to the Act, and Rules to be made by the Judges after the 2nd of November, 1874, there is another power given by the 68th section of the Act, to make Rules as to procedure, sittings, circuits, and other matters of the same kind. This last-mentioned power must be exercised, if at all, before the 2nd of November, 1874. It is a power given to the Queen in Council, with the advice of the Judges, or of the greater number of them. The course which has been taken, with a view to the exercise of this power, is this—A meeting of the Judges was held on the 19th of November, 1873, under the presidency of Lord Selborne, then Lord Chancellor. In pursuance of the views of that meeting, the services of three draftsmen were obtained, instructions were given to them on the 25th of November, 1873, and a Committee of Judges was at the same time appointed to superintend the work and to convene general meetings when necessary. That Committee consisted and consists of the Lord Chancellor, the three Common Law Chiefs, the Master of the Rolls, Lord Justice Mellish, Vice Chancellor Hall, Baron Bramwell, Mr. Justice Lush, Mr. Justice Brett, Sir James Hannen, and Sir Robert Phillimore, the Master of the Rolls being the ordinary Chairman of the Committee. The draftsmen have been occupied under this arrangement without intermission. Rules have been prepared by them in three separate batches; and, as each batch has been completed by the draftsmen, a certain number of copies have been printed, laid before the Committee of Judges, and by them circulated among such official and representative persons as they thought desirable, and subjected to the revision of the Committee. By the 1st of June, the draftsmen, in pursuance of an engagement made by them with the present Lord Chancellor, soon after his accession to office, had completed the Rules which they were intended to prepare, with the exception of a few minor and collateral Rules, which might well be postponed to a later day. The greater portion of these Rules have now been considered and revised by the Committee of Judges, and, on Saturday last, the first meeting of the whole body of Judges was held to consider the advice

which they should tender to Her Majesty on the subject of those Rules, and on the subject of sittings, circuits, and vacations. Considerable progress was made at this meeting, and another meeting to be held on the 1st of July. When the Rules are made by Her Majesty in Council, they must be laid before Parliament in the usual way, and it is hoped that it may be possible to lay them before Parliament during the present Session, and probably by the middle of July. Her Majesty's Government have never contemplated any alteration in the present law, under which the Judicature Act will commence to work on the 2nd of November next.

CONSTABULARY (SCOTLAND).

QUESTION.

MR. FORTESCUE HARRISON asked the Secretary of State for the Home Department, Whether his attention has been attracted to a paragraph in the last Annual Report of the Inspector of Constabulary in Scotland, in which that officer says—

“In two counties, Perth and Renfrew, a system prevails of swearing in as constables certain individuals, principally gamekeepers. These constables are not special constables under the Special Constable Act, nor are they under the General Police Act, but they are sworn in by the justices under the Act 22nd James VI., 1617. These men, though not in any way under the control or orders of the chief constable, have all the powers conferred on constables, not only under the Poaching Prevention Act, but under every other Act of Parliament. It appears to me that this is a violation of the spirit of the General Police Act, which evidently intends that the chief constable is, subject to the control of the sheriff and the justices, to have the complete command of the criminal officers of the county;”

and, if so, whether the Right Honourable Gentleman purposes taking any measures for an alteration of the system so reported on?

MR. ASSHETON CROSS, in reply, said, that his attention had been directed to the Report mentioned, deprecating the practice of swearing in gamekeepers to act as constables, which prevailed in Perthshire and Renfrewshire. He was endeavouring to ascertain whether such a practice was legal; and, if not, he would take steps to put an end to it.

COMMISSIONERS OF NATIONAL EDUCATION (IRELAND)—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, Whether it is true that at a recent meeting of the Commissioners of National Education for Ireland, a proposal was submitted for effecting a serious alteration in the present constitution of the Board, by, amongst other changes, the appointment of a second paid Commissioner; and, whether he will lay upon the Table Copies of the Minutes of the proceedings of the Irish National Education Board at its meeting of the 12th ult. and of any communications which may have passed between Members of the Board and any Members or officials of the Government as to such a proposal to create a second paid Commissionership of Irish Education?

SIR MICHAEL HICKS - BEACH, in reply, said, that at a recent meeting of the Commissioners of National Education a suggestion was, he believed, somewhat informally made of the kind to which the hon. Member alluded. That meeting of the Commissioners was called for the purpose of discussing the Report of the Departmental Committee of the Treasury which had been referred to them by the Government for consideration, a Report which did not at all deal with the number or payment of the Commissioners of the National Board of Education. He did not think that there would be any objection to the production of a copy of the Minute to which the hon. Gentleman referred or of any official communication that might have passed upon the question; but if the hon. Member would let him know what Papers he desired to move for, he should be able to give him a definite reply.

INDIA—MADRAS IRRIGATION AND CANAL COMPANY.—QUESTION.

MR. SMOLLETT asked the Under Secretary of State for India, If he would explain to the House under what circumstances the Marquess of Salisbury consented to extend the period of repayment of the debenture debt of the Madras Irrigation and Canal Company for three years; whether this grace was given, as stated in the Annual Report of the Company, published in "The

Times" newspaper of the 1st June, because there was "some difficulty in raising upon the unauthorized issue of mortgages, funds sufficient to pay off the whole of that debenture debt;" if this be correct, what is meant by the phrase "the unauthorized issue of mortgages;" whether the undertaking is actually burdened with mortgages; if so, to what extent; and, whether the mortgagees have a lien upon the net revenue and receipts of the canal and navigation works, if such should ever accrue, and taking precedence of the debt due to the Secretary of State for India?

LORD GEORGE HAMILTON, in reply, said, it appeared from a letter in which the extension of time was granted, that it had been so made in expectation that the spread of irrigation would secure both the principal and the interest of the debenture debt. If the hon. Member would consult the Report he would find that the word used was "authorized," and not "unauthorized." The undertaking was burdened with mortgages, but to what amount he could not exactly say, but £228,000 of debt had been paid off. The debt still due to the Secretary of State would have precedence over all other debts and mortgages.

METROPOLIS—SOUTH KENSINGTON AND BETHNAL GREEN MUSEUMS.

QUESTION.

MR. J. HOLMS asked the Vice President of the Committee of Council on Education, When the works of the new building for completing the South Kensington Museum and Bethnal Green Museum are likely to be resumed?

VISCOUNT SANDON: Sir, both these matters involve a large expenditure of public money. The Government have not as yet had time to give these subjects such consideration as would enable them to decide what further buildings are necessary. Under these circumstances, they are not prepared to undertake any new buildings this year.

DESPATCHES OF THE LATE GOVERNOR MACLEAN.—QUESTION.

SIR PATRICK O'BRIEN asked the Under Secretary of State for the Colonies, Whether any of the Despatches written by the late Governor Maclean to

the Committee of British Merchants are now in the Colonial Office; and, if so, will he lay them upon the Table of the House?

MR. J. LOWTHER: Sir, the Despatches referred to by the hon. Baronet have been transferred—as is the custom with old Papers—to the Record Office, where every facility will be afforded for their inspection. If on a perusal of the Despatches the hon. Gentleman is of opinion that any public advantage would be derived from their being laid upon the Table, and he will kindly communicate with me, I shall be happy to see how far it is possible to meet his wishes upon the subject.

LOCAL GOVERNMENT ACT, 1872—THE ACTON SEWAGE.—QUESTION.

MR. COOPE asked the President of the Local Government Board, What steps have been taken to remedy a complaint made in 1867 by Mr. Hamilton Fulton, a civil engineer and landowner in Acton, relative to an outfall of sewage in that parish, which has been discharged in considerable quantities for the last seven years into an open ditch, thereby creating a great and serious nuisance; and what is the nature of the Report made by the Inspector sent recently to investigate the matter?

MR. SCLATER-BOOTH: I am, Sir, unable to state precisely what occurred four or five years ago, when these matters were under the Home Office, but I believe two inquiries were held at that time. Since the passing of the Local Government Act in 1872 Mr. Fulton has renewed his complaints, and an inquiry was held by one of the local Government Inspectors about three months ago, but owing to the great difficulties in the way of a proper outfall for the sewage of the locality no final Report has yet been made.

ARMY—CARLOW—QUARTERING OF TROOPS.—QUESTION.

MR. OWEN LEWIS asked the Secretary of State for War, If it is the intention of Her Majesty's Government to station any troops in the town of Carlow during the present year?

MR. GATHORNE HARDY, in reply, said, that reference had been made to the Department of the Commander of the Forces in Ireland relative to the

Question of the hon. Member, and he had ascertained that there was no intention to station troops in Carlow the present year.

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.—QUESTION.

COLONEL BARTELOT asked the First Lord of the Treasury to state to the House what would be the course of Public Business?

MR. DISRAELI: I have, Sir, a Motion on the Paper with reference to the Orders of the Day which will be come to immediately, and I believe it will be more convenient to give the information required by my hon. and gallant Friend on that occasion.

PARLIAMENT — PUBLIC BUSINESS — ORDERS OF THE DAY.—RESOLUTION.

MR. DISRAELI, in moving, That the Orders of the Day subsequent to the Intoxicating Liquors Bill be postponed till after the Notice of Motion of Mr. Chancellor of the Exchequer relating to Friendly Societies, said: The House, Sir, will perhaps think it convenient that I should at the same time answer in detail the Question of the hon. and gallant Member for West Sussex respecting the course of Public Business, and perhaps the best way I can do so is to lay before them a general view of the Business which probably will occupy the attention of the House during the Session. I mentioned the other day casually but not with precision, that there were at least seven Bills of considerable importance which would be likely to engage the attention of the House for some time. The Bills I alluded to then were the Licensing Bill, the Friendly Societies Bill, which, if I succeed in the Motion I am about to make now, will be introduced by my right hon. Friend the Chancellor of the Exchequer; the Factories (Health of Women, &c.) Bill, the Land Titles and Transfer Bill, the Judicature Bill, the Rating and Valuation Bill, and the Scotch Church Patronage Bill. Those are the measures which I had in my mind at the moment when an impression seemed to prevail that there was not much Business before Parliament; but on examining the matter more accurately, in order to address the House on the subject, I find that I understated the case, because, besides

those seven Bills, there are three others certainly which may be considered of equal importance. I allude to the Land Transfer (Scotland) Bill, the Police (England) Bill, and the Criminal Law Amendment Bill, on which we should wish to legislate, if the Committee report. Therefore, there are 10 Bills of considerable importance which probably may engage our attention. Besides these, there are Bills of great interest which I am indisposed to describe—although I must do so for the sake of convenience—as Bills of the second class. Three of these are in progress—namely, the Public Health (Ireland) Bill, the Registration of Births, &c. (England) Bill, and the Irish Licensing Bill. There are four others not in progress which may be classed under this head—namely, the Noxious Businesses Bill, the Shannon Improvement Bill, the Irish Constabulary Bill, and the Endowed Schools Bill. That would make 17 Bills, all upon subjects which engage public attention, and which deserve the grave consideration of the House. But, at the same time, I must remind hon. Members that there are occasions upon which considerable debate may be expected on subjects of general and, indeed, commanding interest, which will not solicit the attention of the House in the shape of Bills, but will in that of Supplementary and other Votes. Notably, for instance, there is the Education Vote; also the Supplementary Vote on a subject which was referred to this evening by my hon. Friend the Member for Tamworth (Mr. Hanbury)—namely, the new constitution of the Gold Coast; and under this head I may also put the Vote for the Post Office and Telegraphs, which, I am told, is likely to lead to considerable discussion. We have, therefore, 17 Bills of interest and import, and three occasions on which considerable expression of Parliamentary opinion is not only expected, but will undoubtedly be given. Besides that, looking to the general course and conduct of the Business of the Session, it is impossible to shut our eyes to the fact—with which we are, I believe, officially acquainted—of the introduction into the other House of Parliament, of a Bill which is not a Government measure, but which is one of commanding interest, brought forward by a high authority—namely, the Bill

introduced by the Archbishop of Canterbury affecting the Church. It is not, as I have said, a Government measure, but there seems, so far as I can form an opinion, a prospect of its passing, and not with any great delay, the other House, and if introduced into this House, every Gentleman of experience of the House of Commons must feel that a Bill of that character makes its weight felt in the arrangement and disposition of the Public Business, and often exercises a considerable influence upon the time and length of the Session. I believe I have now placed before the House the general view we take of the matters and occasions on which our attention will be solicited, and I think the House will agree with me that, under the circumstances, and remembering that this is the 8th of June, we should husband our resources to the utmost, and that every effort should be made at both sides of the House not unnecessarily to waste that precious possession of time, which is not sufficiently appreciated, I believe, by the House of Commons until the month of June commences. I hope, then, the House will not be surprised—but that, on the contrary, it will be ready to aid me—if I should take an early opportunity of asking them to grant that Government Orders of the Day should have precedence of the other Orders on Tuesdays, which are now the privilege of hon. Gentlemen generally. I always with great reluctance interfere with the exercise of the privileges of independent Members of this House; but it has been the custom at the period of the year at which we have now arrived, with the general or very general consent of the House, that such an appeal should be made by the Minister, and usually it has been favourably received. I propose to do this also because I am anxious to postpone as long as I can having recourse to Morning Sittings. Certainly, with the co-operation of both sides of the House and tolerable skillfulness in the general management of the Business, we may perhaps postpone for a considerable time having recourse to Morning Sittings; and therefore, I trust that when in a few days I ask for the Tuesdays, the House will, after the statement I have made as to the number and importance of the Bills which are and will be before us, accede to the request. I will now give my hon.

and gallant Friend and the House, so far as I am able to do so, a general view of the Public Business for the next 10 days, for it is impossible to arrange it further in advance. To-night we shall, I hope, get through the Committee on the Licensing Bill in sufficient time to enable my right hon. Friend the Chancellor of the Exchequer to introduce the Friendly Societies Bill, which the House, I think, regards as a measure of very great interest. The second reading of the Factories (Health of Women, &c.) Bill we have arranged for Thursday next. On Friday we propose to take the Post Office and Telegraph Estimates; on Monday, the 15th, the Education Estimates; on Tuesday, the Report of the Licensing Bill; and we hope it may be read a third time on Thursday, the 18th. I shall not press the House to read it on that day if there be any general objection to doing so; but it seems to me the Bill has been so fully debated and considered that probably such a course will not, in the present state of Public Business, be objected to. If it should be, of course I must make some other arrangement; but I hope we may do not only what I propose, but that we also be able to take the Land Transfer Bill on that day, and the second reading of the Friendly Societies Bill on Monday the 22nd. That is the programme I have sketched out, and I have now placed before the House our general view of the Business of the Session, and the arrangements we propose for its despatch, as I said before, for the next 10 days. It is impossible not to perceive that at this period of the year there is before us much to do, if we wish to close the Session at the usual time; but I depend greatly upon the co-operation of hon. Members at both sides of the House, and I flatter myself that if there is that hearty co-operation, we may be able to fulfil this not inconsiderable programme, or an important portion of it, and yet, perhaps, to close our labours at a not unreasonable period of the year. The right hon. Gentleman concluded by moving the Resolution.

SIR GEORGE BOWYER asked whether the Licensing Bill would be reprinted before the Report, as at present many hon. Members did not know what had been done?

MR. DISRAELI: It will be reprinted before the Report.

Mr. Disraeli

MR. PEASE said, he had a Notice the Paper for Tuesday, the 16th, and if the right hon. Gentleman wished private Members to give way to the Report of the Licensing Bill, he would not press his Motion on that day.

MR. DISRAELI: I wish that all hon. Members may be equally generous with the hon. Member for South Durham. I certainly shall be much gratified if they make way for the Business of the Government.

Motion agreed to.

Ordered, That the Orders of the Day subsequent to the Intoxicating Liquors Bill be postponed till after the Notice of Motion of Mr. Chancellor of the Exchequer relating to Friendly Societies.—(*Mr. Disraeli.*)

INTOXICATING LIQUORS

BILL—[BILL 83.]

(*Mr. Raikes, Mr. Secretary Cross, Sir Henry Selwyn-Ibbetson, Mr. Chancellor of the Exchequer.*)

COMMITTEE. [*Progress 5th June.*]

Bill considered in Committee.

(In the Committee.)

Record of Convictions and Penalties.

Clause 11 (Mitigation of Penalties) agreed to.

Clause 12 (Record of convictions and licences).

MR. ASSHETON CROSS said, a question had arisen, by which, under the clause as it was at present drawn, a copy of the register would not be evidence of an offence recorded in it, unless special words were introduced for the purpose. He believed it had been ascertained, also, that in some parts of the country it would be inconvenient to have the register itself before the magistrate. The defect had been pointed out to him by the hon. Member for Warwickshire. With a view to give effect to the object he had mentioned, he would move as an Amendment to insert in page 6, line 16, the words, "may or shall."

MR. GREGORY said, he had an Amendment on the Paper which preceded that of his right hon. Friend. It was to insert in page 6, line 15, after "this Act," the words "in respect of which it is provided that a record shall be made upon the licence," and its object was simply this. There were certain offences under the former Act which did not require endorsement on the licences, and his Amendment was in-

tended to leave that law as it was. It proposed that magistrates should not have the power to endorse licences with convictions in cases in which they were not required to do so. The hon. Gentleman concluded by moving the Amendment.

MR. CHILDERS said, that if he understood the right hon. Gentleman the Secretary for the Home Department correctly when he introduced the Bill, he laid stress on the only changes as to endorsements, being that they would be optional, and ordered positively instead of negatively. On looking, however, to the clause itself, it did not appear to him to carry out that intention very clearly. The provisions connected with the adulteration of liquor were left out of the Bill altogether, as the right hon. Gentleman preferred dealing with that subject under the general law; but the result would be that no offence of this kind could be endorsed. Then, again, if the present clause were allowed to stand as it was, especially in conjunction with the Amendment of the hon. Member, no endorsement could be made in cases of obstructing the police, while with regard to convictions for allowing drink to be consumed on premises without a licence, it would be optional with the justices to endorse convictions on the licences or not, just as they thought proper. That, he thought, was a very unwise relaxation for so grave an offence. He hoped the right hon. Gentleman would be so good as to inform him if his interpretation of the clause were correct, and whether he would not propose some Amendment in order to make adulteration and the sale of drink without any licence whatever more serious offences?

MR. ASSHETON CROSS said, that at present endorsement was absolutely obligatory in certain cases, and obligatory in others, unless the magistrate ordered otherwise; while for a third class, there was no direction in the Act, though he believed endorsement was practically possible. The policy of that practice was very doubtful, and he certainly should not like to accept his hon. Friend's Amendment without more careful consideration. The sole object of the present clause was to give to the magistrates the power of endorsing the convictions on the licences or not, just as they thought proper. That was a per-

fectly fair and reasonable proposition, because, in his opinion, all judges should have the power of awarding whatever punishment the nature of a case required, or the offence merited, and beyond that in some cases any other course would inflict great hardship not only on the occupier of a public-house, but on the owner of it. There had been cases of two convictions for trivial offences, where the magistrate imposed the minimum penalty, and would have dismissed the charge had he been able, while in others the maximum punishment of £20 had been awarded for a single heinous offence. As the law stood, the owner and occupier in the latter case were in a more favourable position than in the former, having only one conviction recorded instead of two, while the others had two for petty offences, involving the certainty of a third practically forfeiting the licence. As an act of justice, then, to the magistrates, he did press this most strongly, and without hesitation.

MR. CHILDERS said, the right hon. Gentleman had not answered the question which he (Mr. Childers) had proposed to him.

MR. ASSHETON CROSS said, that he intended that the clause—as it was originally drawn—should take in all these cases. That had been his intention, and therefore, while refusing the Amendment of his hon. Friend (Mr. Gregory), he had accepted its spirit.

MR. CHILDERS: Then all the offences which were at present subjects of endorsement, would be so still?

MR. ASSHETON CROSS said, that such would be the case, but at the discretion of the magistrate.

SIR FRANCIS GOLDSMID said, that at the proper time he would ask the Committee to negative the clause. He had been surprised to hear the right hon. Gentleman the Secretary of State assert that no one in the House attached any importance to those clauses of the Bill which did not refer to the hours of opening and closing; but he hoped that the right hon. Gentleman would, before the question was disposed of, be convinced that many hon. Members did attach considerable importance to this clause. Under the Act, as it at present existed, there were a number of offences for which convictions might be obtained, such as permitting drunkenness,

and that was the object of the clause. The Act of 1872 required that convictions for certain kinds of offences should be unconditionally endorsed upon the licences, no matter what the nature of the individual offence was, and some of these offences were such as might be committed innocently or unwittingly. The present clause, however, would give to magistrates a discretion to record their judgment upon the licence or not. During the last Election there was a serious accident upon the Great Western line, and when the passengers, after being delayed until late into the night, arrived in town they could not get into any licensed house, the owners of such houses saying that they could not risk their licences by serving them. Circumstances like these should surely come before the magistrates, and they ought to exercise their discretion upon them.

SIR WILLIAM HARCOURT said, he had all along felt the gross injustice of the clause which the present Bill proposed to repeal. All branches of the trade had also felt the injustice of the clause in the original Act more than they had felt that of any other clause. They said that they cared little about the hours, but that they all felt the injustice of the endorsements. The hon. Member for Reading (Mr. Shaw Lefevre) had said that the severity of the penalties had diminished convictions; but the same argument was used in favour of maintaining the punishment of death for sheep stealing. Possibly the number of convictions was less, because magistrates were unwilling to convict when the heavy penalty of endorsement must follow. He could not agree with the hon. Member for Liverpool (Mr. Rathbone) that borough magistrates were, as a rule, inferior persons. He knew not what they were in Liverpool; but in the vast majority of the boroughs they were fully competent to discharge their magisterial duties.

MR. J. G. TALBOT would rather that the clause in the Act of 1872—the words in which had been introduced at his own suggestion, to get out of a difficulty in which the then Government seemed to be involved—should have remained unaltered; but after what had been said by the Home Secretary as to its necessity, he would vote for the right hon. Gentleman's Amendment, and hoped the hon. Member for Reading

(Sir Francis Goldsmid) would not divide the Committee. He believed that the Amendment would have a beneficial effect by providing that upon any conviction under these Acts, the magistrates should act in a formal—he might almost say a ceremonial—manner, and deliberately declare, with the register before them, whether the convictions should be endorsed or not.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 345; Noes 81: Majority 264.

Regulations as to entry on Premises.

Clause 13 (Constable to enter on premises for enforcement of Act).

SIR EDWARD WATKIN hoped the House would relieve licensed victuallers from the sort of vexatious interference that had unfortunately taken place to a large extent since the passing of the Act of 1872. Under that Act a police-constable might enter any part of a licensed victualler's premises by night or by day, provided he considered he was in the execution of his duty, and under such an enactment, the private apartments were subject to inspection and intrusion. So long as that House sanctioned the sale of intoxicating liquors as trade, they had no right to treat a licensed victualler other than a citizen, and he ought to have the same protection for his home as every other Englishman had, whose boast it was that his house was his castle. He (Sir Edward Watkin) would suggest that after the word "premises" in the 4th line of the clause the following should be added:—"other than the private apartments of the licensed person or persons," and also the proper place in the next clause. The private apartments of a licensed victualler ought to be as sacred as the private rooms of any other trader in the country.

MR. ASSHETON CROSS said, that under the Act of 1872 the clause relating to the entry of constables pointed specially to their entry into bed-rooms, or whatever room they chose, and he believed it was introduced practically to give them the power to search for adulterated liquor. He hoped, however, the House would soon sanction the striking out of the adulteration clauses of that

Mr. Goldney

ular Bill, leaving the licensed victualler, like other traders, subject to adulteration Act; and therefore a particular expression of the Act of which he thought was a very unfortunate one, might now be removed from the Statute Book. When he gave reasons for the drawing of this, it was simply that it might be added precisely to the state in which it was before the Act of 1872; and he advised that that had been done, so that it was now in accordance with the Act IV., and 18 & 19 Vict., under no oppression was ever exercised. He hoped that the present clause would not cause any undue interference with the rights of the licensed victualler, which had been his desire to accomplish.

DODSON said, that the Act of 1872, to which the right hon. gentleman had referred, enacted that a licensed victualler might enter any licensed premises, but there was a doubt whether it carried with it the right to enter a private room. He believed that the opinion was that it did. In order to make that matter absolutely clear, the words "every room and part of the premises" were inserted in the clause of the Act of 1872. If, now, the right hon. Gentleman wished to make it that the private rooms of a licensed victualler were to be protected from search by a constable without a warrant, he wished him (Mr. Cross) to state whether it would not be necessary to insert words to that effect.

ASSHETON CROSS said, it was his desire to make the clause perfectly clear, and he would consider whether the words suggested might not be upon the Report.

He agreed to.

Section 14 (Search warrant for detecting the sale of liquors sold or kept contrary to law) agreed to.

Occasional Licences.

Section 15 (Occasional licences required for public houses and races).

EDWARD WATKIN said, he wished to call attention to the subject of occasional licences, and would point out that there was a broad distinction between these licences in the case of public houses and spirit and wine-houses. It had been made a matter of com-

In the case of spirit-houses an

occasional licence could be obtained without the consent of the justices, and in the case of beer-houses it could not. He hoped the right hon. Gentleman would give his attention to the matter.

MR. ASSHETON CROSS said, the difference mentioned by the hon. Member was intended to limit the occasional licences to the local justices.

Clause agreed to.

Clause 16 (Occasional licences,—extension of time for closing).

MR. ASSHETON CROSS said, it had been represented to him that in some parts of the country, magistrates were under the impression they could not, although so inclined, grant occasional licences for certain hours in the day—that an occasional licence once granted would remain in force the entire day. Now, in order to remove that doubt or misapprehension, he would propose to move as an Amendment to insert before the word "one," in page 8, line 17, the words "sunrise until;" and in line 18, before the word "later," the words "earlier than sunrise or," the effect of which would be to set forth on the licence the hours it was to run.

Amendment agreed to.

Words inserted.

MR. WYKEHAM MARTIN asked whether there would be any objection to have occasional licences granted by the resident magistrate of a district, so as to save persons who required one for some hours of the day the trouble of journeying a distance to petty sessions?

MR. ASSHETON CROSS: It is not necessary to apply to the magistrates at petty sessions for an occasional licence.

SIR HARCOURT JOHNSTONE asked whether it was contemplated that occasional licences were to be granted on Sundays, Christmas-day, or Good Friday; and whether the power remained which some magistrates considered they possessed of granting occasional licences throughout the months of June, July, and August, as was done under Act of 1872 to Sandwich, Dover, and other places?

MR. ASSHETON CROSS, in reply, said, that no such licences could possibly be granted under the present Bill. With regard to the hon. Baronet's first Question, he might observe that occasional licences were intended for balls

and public gatherings, and he was quite certain it might safely be left to the discretion of the magistrates that they would not grant them for any improper purpose, but merely to promote the public convenience.

Clause, as amended, *agreed to*.

Clause 17 (Offences on premises with occasional licence); and Clause 18 (Supply of deficiency in quota of borough justices on joint committee), *agreed to*.

Miscellaneous.

Clause 19 (Provisional grant and confirmation of licences to new premises).

MR. STEVENSON, in moving as an Amendment, in page 8, line 38, after "as," to insert—

"a hotel or house for the supply of food and lodging to travellers and other persons requiring the same, and who desires a licence for such premises as,"

said, he wished to limit the grant of provisional licences to persons interested in the construction of an hotel or house for the supply of food and lodging to travellers and other persons requiring the same. A large number of hotels were rapidly disappearing, being converted into great drinking bars. In many districts there was a deficiency of hotel accommodation, and the traveller frequently experienced difficulty in obtaining food or lodging, and the provisional licence should be limited to those who intended becoming *bonâ fide* hotel proprietors. He hoped the right hon. Gentleman the Home Secretary would take that view of the case. There was no greater misnomer than the phrase "licensed victuallers," for in most public-houses the very last thing that a person could obtain was victuals. The old-fashioned inns, it was a source of complaint, were passing away, and their places were taken by grand gin-drinking bars. He knew cases where licences, in the first place, had been obtained during the building of the premises by giving out that they were intended for hotels, but afterwards that understanding was ignored, and the public suffered from the want of proper hotel accommodation. Under the clause they were then discussing, the plans of new premises for which a provisional licence was required were to be produced before the magistrates; but he should go farther, and render it necessary that the description of business proposed to be

carried on should be stated, so that in case the magistrates were not satisfied that the promised accommodation was continued, they might be entitled to withhold the annual renewal of licence. The hon. Member concluded by moving the Amendment of which he had given Notice.

MR. ASSHETON CROSS said, he could not accept the Amendment. It would be difficult to define two classes of houses, and the magistrates had already power to require, before granting a licence, a certain number of rooms besides those occupied by the family. If that was not acted upon, its re-enactment would be equally inoperative. The clause as it stood would enable parties intending to build a house to make a provisional application for a licence, instead of first spending £1,000 or £2,000, and then pressing for it on the ground of that expenditure.

MR. PEASE said, that it tended to lower the character of a public-house; that whilst it was being built the proprietor did not know whether it would be licensed or not. In his opinion, a great advantage would arise to the community from the clear manner in which the law on this point would now stand.

SIR HARCOURT JOHNSTONE thought a great advantage would result to the public from improving the character of the houses under the present Bill. They did not want more drinking-houses such as they had in the country. If they had more houses, they should be of such a character as to afford reasonable accommodation for travellers, such as the old-fashioned inns had supplied. It had often happened to him, when in the north of England, in the neighbourhood of the docks on the Tyne, that no hotel was near, while there were drinking places without end, and food could only be had by sending a great distance for it.

SIR SYDNEY WATERLOW said, he was glad the right hon. Gentleman had introduced a provision under which proper refreshments would be supplied to every person who required them. He was sorry he had not gone a little further, and introduced words empowering the magistrates to take away a licence when the landlord had not fulfilled the promises on which he had obtained it. Promises so made were being continually broken. He knew of houses for

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which a licence had been obtained on the understanding that they should supply wine and refreshments, but which in a year or two had been converted into vaults, in which only spirits and beer could be obtained. The magistrates, he thought, should have power to take away a licence under such circumstances.

MR. STEVENSON said, that in addition to the character of the occupier, it ought to be required that the house should be continued for the purposes for which the licence was originally granted.

MR. HANKEY said, that the magistrates had the power of taking away a licence from a house the accommodation afforded by which had sensibly diminished.

MR. ASSHETON CROSS: There is no doubt about that.

Amendment negatived.

MR. YOUNG observed that it was clear the Committee approved of the principle of the clause; and that being so, if it was right to give the licensing authority power to license a house before it was built, there could be no objection to give it the power of removing an existing licence to it. He would therefore move, as an Amendment, to insert, after ~~remises~~, in page 8, line 41, the words, 'or for the provisional removal to such ~~remises~~ of an existing licence under section fifty of the principal Act.'

MR. ASSHETON CROSS said, he would accept the Amendment, as he thought it a very good one.

Amendment agreed to: words inserted.

MR. ASSHETON CROSS said, he had an Amendment which would answer the object of that which the hon. Member for Stoke (Mr. Melly) had given Notice, to insert at page 9, in line 1, of the clause, after "or other house," the words, "and if satisfied that such house is required to meet the wants of the neighbourhood." He thought it was necessary, in order to perfect the clause, to leave out at the same place the words "public-house, or other," and insert, after "house," words of this kind--

"And that if such premises had been actually constructed in accordance with such plans they would, on application, have granted and confirmed such a licence in respect thereof."

He meant that the justices should not be confined to approving of the pre-

mises, but that they should take into consideration all the circumstances attaching to the house. He begged to move that in lieu of the Amendment of the hon. Member for Stoke.

MR. MELLY said, that if the right hon. Gentleman told him that his Amendment would answer the purpose he (Mr. Melly) had in view, he should be satisfied; but he was anxious that in granting these provisional licences the Justices should consider the wants of the neighbourhood.

MR. ASSHETON CROSS said, the magistrates on the first application for a provisional order must be satisfied that the house would be properly built according to the plans laid before them, and that it was fit to carry out the object for which it was intended. It was with that view he proposed the alteration. He had also another proposition to make, and that was, in line 9, to leave out the words "public-house or other." The reason simply was, when application was made for a provisional order for a licence, to put it on the same footing as if the house were actually built.

Amendment (Mr. Melly) put, and negatived.

Then Mr. Cross' Amendment agreed to.

Clause, as amended, *agreed to.*

Clause 20 (One licence of justices may extend to several excise licences); Clause 21 (Confirmation of licence to sell liquor not to be consumed on the premises not required); Clause 22 (Joint Committee to make rules under s. 43 of principal Act); and Clause 23 (Notices of adjourned Brewster sessions and of intention to oppose), *agreed to.*

Clause 24 (No appeal to quarter sessions in certain cases).

MR. BRISTOWE asked how the right hon. Gentleman proposed to deal with this clause, which was a very important one?

MR. ASSHETON CROSS said, it was his intention to leave it as it stood. Under the Act of 1872 there was power given to appeal to a Superior Court; but by an interpretation put upon it, it was held to apply to beer-houses only. He had asked the opinion of the most eminent lawyers on the meaning of the clause, and no two of them could agree, and so he thought it better to have the

clause drawn up which appeared in the Bill.

Clause agreed to.

Clause 25 (Drunken person may be detained if incapable of taking care of himself).

MR. ASSHETON CROSS said, there would be some difficulty, he found, in working this clause, and he should therefore move that it be struck out.

Motion agreed to; Clause struck out accordingly.

Clause 26 (Substitution of licensing justices for Commissioners of Inland Revenue as respects certain notices), verbally amended, and agreed to.

Definitions and Repeal.

Clause 27 (Definitions).

MR. ASSHETON CROSS proposed, as an Amendment, to insert, after "hitherto," in page 10, line 15, the following words—

"'Town' means an urban sanitary district as described for the purposes of the Public Health Act, 1872.

"'Parish' means a place for which a separate poor rate is or can be made or for which a separate overseer is or can be appointed."

Amendment agreed to; words inserted.

Clause, as amended, agreed to.

Clause 28 (Repeal), verbally amended, and agreed to.

MR. MORGAN LLOYD moved, after Clause 7, to insert the following new clause:—

(Sale by holders of six-day licences to bonâ fide travellers. &c.)

"A person who takes out a licence containing conditions rendering such a licence a six-day licence, shall, notwithstanding such conditions, be at liberty to sell any intoxicating liquor on Sunday to bonâ fide travellers or to persons lodging in his house."

MR. ASSHETON CROSS said, he could not accept the clause.

Clause negatived.

MR. RATHBONE moved, after Clause 12, to insert the following clause—

(Record of conviction for adulteration.)

"Where a licensed person is convicted of any offence against the provisions of any Act for the time being in force relating to the adulteration of food or drink, such conviction shall be entered in the proper register of licences and may be directed to be recorded on the licence of the offender in the same manner as if the conviction were for an offence against this Act, and when so recorded shall have effect as if it had been a conviction for an offence against this Act."

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MR. ASSHETON CROSS said, the clause was one he was willing to adopt when the words "food or" in the second line were omitted.

Clause verbally amended accordingly, and added to the Bill.

MR. YOUNG moved, after Clause 19, to insert the following clause—

(Appeals by persons interested in premises against order of disqualification on limited grounds.)

"Any persons interested in any licensed premises as mortgagees or otherwise, besides the owner, may appear and appeal against an order declaring such licensed premises to be disqualified in the same manner and upon the same grounds and no other as those upon which the owner of such premises may under section fifty-six of the principal Act appeal against such order."

MR. GREGORY said, he had a new clause upon the Paper which carried the matter beyond the point proposed by the clause, and required that notice should be given to all persons deriving an interest from the premises.

MR. PEASE hoped the right hon. Gentleman would not accept the Amendment, as there would be no end to the appeals, as not only the first, but every subsequent mortgagee would have the right of appearing and appealing.

MR. ASSHETON CROSS agreed that it was quite necessary to have some clause like this in the Bill. He, however, thought the clause proposed by the hon. Member for East Sussex (Mr. Gregory) best met the case.

MR. YOUNG said, that if that was the right hon. Gentleman's opinion, he would withdraw the clause.

Clause, by leave, withdrawn.

MR. A. MARTEN, in moving, after Clause 19, to insert the following clause:—

(Certain beerhouses to be deemed of sufficient annual value.)

"Where at the time of the passing of this Act a licence is in force with respect to any house or shop for the sale by retail therein of beer, cider, or wine to be consumed on the premises, such house or shop shall be deemed to be of sufficient annual value within the meaning of the principal Act, and it shall not be lawful for the justices to refuse an application for a certificate for the sale of beer, cider, or wine to be consumed on the premises in respect of such house or shop on the ground that such house or shop is not of sufficient annual value, provided that such house or shop shall not hereafter become diminished, or changed in extent or value, so as to reduce its annual value to a less sum than requisite within the meaning of the principal Act,"

t by the Act of 1872, Section 46, provided that existing houses of s to which the proposed clause should apply for the renewal licences at two annual licensing ; and at the first meeting the ight be renewed upon condition holder before the next meeting mprove the premises so as to em of sufficient annual value; e holder should fail to comply 1 condition, the licence should mewed at the second meeting. lots of 1869 and 1872, the re- value of such houses to entitle a licence was laid down. The f his clause was, in fact, to the houses which had been ened under the provisions of of 1872 from further interfer- nolestation, with the Proviso to l at the end of the clause, that uld not in future deteriorate or in value. It was really a serious ience to the owners of these o be obliged to prove their value e they applied for a renewal of nces, and it might be fairly as- at all the houses which had in ect passed the ordeal of two e licensing sessions were of er value for all practical pur-

VILLIAM HARCOURT said, also had felt that beer-houses ted with much hardship in this and he sympathized with the he hon. and learned Member had in view. But the difficulty with respect to his clause was t was agreed to, it would give a fair and complete monopoly to beer-houses. If they were to ing in that direction, they should for new beer-houses in the fu- vell as for those now in exist- What he would suggest to the n. Gentleman the Home Secre-, that the licensing magistrates, pect both to old and new houses, ave some fixed standard to go that the value should be taken t what the house stood on the k, or its actual rental. It certainly eat hardship that the occupiers houses should labour under con- iety and fear that the magis- ight decide against them on the ection of the value of their pre- t might be said they had nothing

to fear, if the premises possessed the requisite qualification; but that reminded one of the saying that it would be no consolation to an innocent man, if he was tried twice a week for his life. There ought to be some way of settling the matter in a clear and definite manner.

MR. ASSHETON CROSS said, he agreed both with his hon. and learned Friend behind him and the hon. and learned Gentleman opposite that there did exist a grievance on this particular point. But he did not think it was possible to accept the clause of his hon. and learned Friend in its present shape, while at the same time the adoption of the suggestion of the hon. and learned Gentleman would require some consideration. If the clause were not pressed he would endeavour to meet the views of both hon. and learned Gentlemen by bringing up a clause on the Report.

MR. BRISTOWE hoped the right hon. Gentleman would turn his attention to another point in connection with this question in framing a new clause. There were two different bases of valuation in the Beer Houses Acts of 1869 and 1870, while Clauses 45 and 46 of the Act of 1872 allowed a dispensing power, which had been used to give contradictory decisions. It was, everybody must see, important that there should be neither contradiction nor confusion in such matters.

MR. WHEELHOUSE expressed his concurrence in this view, and testified from his own experience to the inconvenience caused by those conflicting decisions.

Clause, by leave, *withdrawn*.

MR. JAMES, in moving, after Clause 19, to insert the following clause:—

(Restriction on unauthorised extension or alteration of public-houses.)

“In the case of any application to be made after the passing of this Act for the grant of a licence under ‘The Intoxicating Liquor Licensing Act, 1828,’ or for the renewal of any such licence (whether originally granted before the passing of this Act or hereafter to be granted), it shall be lawful for the licensing justices at their discretion to cause to be inserted in or endorsed upon such licence, a condition that no material alteration or extension of the buildings, fittings, or arrangements of the licensed premises shall be made without the approval of the licensing justices.

“Where a licence is granted or renewed upon such condition as aforesaid, if at any time thereafter upon an application for a renewal of such

licence it is made to appear to the licensing justices that any material alteration or extension has been made contrary to such condition, it shall be lawful for the justices from time to time to refuse to renew the licence until the premises have been restored as nearly as may be, or so far as the justices direct, to their former condition, or until security has been given to the satisfaction of the justices for such restoration being made within a time to be prescribed by the justices."

said, the principal objection that could be urged against it was, that it was of a discretionary kind; but it gave a discretion which would not be arbitrarily used.

Mr. ASSHETON CROSS objected to the clause on the ground that magistrates already had the power which it was proposed to give them.

Mr. JAMES would be obliged if the right hon. Gentleman would state what that power was.

Mr. ASSHETON CROSS said, magistrates had power fully to consider and dispose of every case of the kind alluded to by the clause which was now under their notice.

Mr. PEASE could tell the hon. Member for Gateshead that magistrates had exercised the power he proposed to give them in his own district. He held with the right hon. Gentleman opposite that the power of the magistrates was already ample for the purposes contemplated.

Clause, by leave, *withdrawn*.

New Clause (Power for Secretary of State to preserve extended hours where existing in boroughs), — (Mr. Alfred Marten), *withdrawn*.

SIR WILLIAM HARCOURT protested against the withdrawal of the clause. Other hon. Members had been depending upon its being moved, and had abstained from putting on the Paper clauses to secure the same object. Could no hon. Member move the same clause now?

THE CHAIRMAN said, that it would not be competent for any hon. Member to move the clause till the other clauses had been disposed of.

SIR EDWARD WATKIN*: Mr. Raikes, I move that the following clause be inserted in the Bill:—

(No troops to be billeted.)

"From and after the first day of January, one thousand eight hundred and seventy-six, it shall not be lawful for any officer, civil or military, or any other person whosever, to place,

quarter, or billet any officer or soldier of any rank or description belonging to Her Majesty's Army, Navy, Marines, Militia, Yeomanry, Volunteers, or to any branch of Her Majesty's forces whatsoever, or any horse of any such officer or soldier, upon any person within the limits of this Act, of any degree, quality, or profession whatsoever, without his consent, and it shall be lawful for any such person to refuse to quarter any such officer or soldier, or any such horse as aforesaid, notwithstanding any warrant or billeting whatsoever: Provided always, That nothing in this section shall be construed to restrict or affect in any manner the liability of any keeper of any common inn to receive or entertain therein such person as may lawfully and reasonably require to be received and entertained by such innkeeper in the ordinary course of his business."

The object of the clause is to abolish the unjust, partial and demoralizing custom of billeting soldiers upon licensed victuallers. But not to abolish it in sudden haste or imprudently; to abolish it after a due period within which the right hon. Gentleman the Secretary of State for War will easily accomplish those measures of substitution which he may deem essential. And I may, at this point, contend, and challenge contradiction, that the only tenable argument against the clause which I propose will be the alleged difficulty of providing a substitute for an admittedly evil system. In fact, I cannot, and will not believe for a moment that either the Home Secretary or the Minister of War, will, or can, defend in the abstract, the compulsory intrusion of the soldiery into the dwellings of private citizens, following a licensed and therefore a lawful calling. I will not Sir, follow the history of billeting further than to remind the Committee that billeting was established in times when there were hardly any roads, when there were no barracks, and no public edifices capable of being used for the lodgment of troops, interspersed between one distant stronghold and another. Certainly there were no railways enabling the rapid passage of men and material, and no telegraphs by which information could be instantaneously conveyed. Therefore, emerged as we are from times called barbarous, we can hardly excuse the perpetuation of a system originated under the exigencies of a state of civilization now happily passed away. The application of the custom is, I say, capricious, partial, liable to favouritism, and often utterly oppressive. To shorten what I have to say, I will confine the description of the

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operation of billeting to two—one, that of troops in small passing across the country; the other, that of the billeting of entire regiments of soldiers of the Line, or Militia, in larger towns. Before doing so, let me ask why, if the burden is cast upon somebody, everybody is to contribute? That is to say, the licensed victualler should, here, be obliged to lodge men and horses at a price, and the licensed victualler there—where there are barracks, or for some other reasons—be under no obligation to do so.

Again, if it be found possible to dispense with billeting, why is it so difficult to get rid of it altogether? Undoubtedly, its burden grows heavier, why should we not, by some other effort, get rid of it altogether? But I will illustrate the two cases which I have put—namely, passing through, and long occupation of a whole town. And I will ask the Committee to hear what two or three persons actually suffering under this infliction of ancient times have to say. I have merely give these statements taken from a volume from scores of letters addressed to me on the subject. For example, Mr. Parmenter, of the Croham Croydon, whose letter shows that a man of education, says—

‘three occasions’ in the latter half of the year I had billeted upon me horses and men, to the contempt of post offices and telegraphs, and on these occasions I received only a few hours’ notice, and on the last occasion, 18th November—I received ‘no notice.’ Men and horses presented themselves at my house, billeted from the police station with no notice than would be given by so many

it is neither my wish nor expedient to treat them other than good treatment to the troops of the army, who are unfairly identified with a system, I always entertain them fitly, at pecuniary loss. But the absence of notice makes it necessary to turn out my men from their bedrooms at great inconvenience, and with the self-respect of myself behold not ‘unreasonably wounded.’”

so will not sympathize with Mr. Parmenter when he urges the feeling of personal injury arising most naturally from the sudden and probably needless imposition—it may be an order that of right should have been addressed to some one else, or one favoured by the petty authority which issued the billet—to turn out men from their beds and put soldiers into them? Here, again, is another

letter from Mr. Lamacraft, of the Globe Inn, Exeter, a very respectable man—the father of a family—

“I had, last summer, three horses and men billeted, and I have not any stabling attached to my house. I went to the Red Lion Inn and got the stabling for them, and in a few days after I had four horses and men put on me. I went and engaged the same stabling, and later in the day the landlord of the above inn had a billet brought him, and he sent to inform me that he could not take my men as he had agreed. So I was obliged to look further for their accommodation.

“Last autumn the soldiers billeted at my house were going to bed, and I noticed they had their boots on. I told them they must please take them off before going upstairs, and they tried to persuade me that they would take them off upstairs, but I persuaded them to take them off before they went up. When they were taking them off, one man said that he had not taken his off before for six weeks, and another said that he had not had his off for a fortnight.

“Now, Sir, these men were going to sleep in as good a feather bed as I sleep in myself—with clean bedclothes—and they were going, until I stopped them, to go to bed with their boots and spurs and other clothes on.”

Now, here we have a case where a man, known to have no stables, is forced to find accommodation for horses at a dead loss of money. I have also to quote a letter from Maidstone. On the question of cost, Mr. Leason, of the Queen’s Head Hotel, Maidstone, gives the following calculation:—For each soldier.—One hot meal, to consist of meat, weighing 1½ lbs. before cooked, 1s.; 1 lb. bread 2d.; 1 lb. vegetables 1d.; and 2 pints small beer 3d.; allowed 1s. 2d.; cost 1s. 6d. One bed—occupied by 2 soldiers, say, washing of linen 6d.; hire of room 1s., equal to 1s. 6d.—moiety 9d.; allowed 2½d.; cost 9d. For each horse.—10 lbs. oats, 12 lbs. hay, and 8 lbs. straw—cost of oats, hay, and straw, 1s. 8d.; hire of stable 9d., equal to 2s. 5d.—allowed 1s. 9d.; cost 2s. 5d. Estimated loss, daily, on each man and horse, 1s. 6½d.; estimated loss, daily, on 4 men and 4 horses—the usual billet—6s. 2d. On the question of want of impartiality in the distribution of billets, another correspondent says—

“In the case of billeting Militia or other Infantry corps, the system is open to abuse by the billeting officers—the police and non-commissioned officers presenting billeting orders upon all those persons liable who they know are not able to furnish the accommodation, such as eating-house keepers, small beer-house keepers, &c., and offering to take money in lieu thereof, for the purpose of paying for lodgings in private houses, but going to other liable persons

instead, until their men are quartered, and then spending the proceeds in drink amongst the men at their quarters, where they could have placed the men without difficulty in the first place; and it generally occurs that the large hotel-keeper and publican can purchase immunity at a small cost, and the men are quartered in the lowest kind of houses, where the men are open to temptations and evil influences which they ought to be preserved from."

I will now ask the Committee to take as a specimen case of the second sort, that of the ancient county town of Lancashire—Lancaster. And if it be urged that the billeting of Militia is absolutely indispensable at Lancaster, I will ask, then, how is it that in the adjoining counties of Westmoreland and Cumberland the Militia have for years been assembled, for their periodical training, under canvas? Such is the fact. But Lancaster is no doubt a case typical of many other cases in the Kingdom. The honorary secretary of the Licensed Victuallers' Association of Lancaster, Mr. Francis S. Dale, states—

"That the regiment of the 1st Royal Lancashire Militia is embodied at Lancaster every year for training, and during the time is billeted in the houses of the Licensed Victuallers—1st, the recruits for two months, when the number of men to each house is 4 to 6; then the main body for one month, when the number of men to each house is 10 to 12. That there is not accommodation in the licensed houses of the town for such a number of men. That 95 per cent of the men composing the Regiment of the 1st Royal Lancashire Militia are enlisted in Manchester, and are the scum of that city."

And he drew a painful picture of the demoralization which ensued from the presence of the class of men of which the regiment consisted in that city. And no wonder then that Mr. Dale suggests that the men be either placed in barracks or put under canvas, as the men are in Westmoreland and Cumberland; in these counties the men are placed under canvas on Brackenber Moor, and have been now for some years. And, giving an earnestly practical opinion, he observes—

"It would be a great saving to Government if barracks were built on a central principle; for instance, form a district of about 12 Militia regiments, and in or near the centre of which build the barracks, and each month let a fresh regiment occupy them for its annual training. Provision might be made for recruits to be constantly training. Of course the dépôt or headquarters could remain as at present."

Now, I ask again, is it for the interest of the soldier—for certainly no one will venture to say that it is for the interest of society—that soldiers, especially young

soldiers, should be lodged where the only amusement is drink, and in the lower public-houses, where their only companions are those who drink? Is such an association that which a commander would voluntarily select for his men? Are not the licence, the low revelry, the vulgar sights forced thus upon the young soldier certain to weaken discipline by weakening moral sense? It may be said that all this is very well, but that all you can do is to raise the scale of payment. I do not, Sir, argue the question on the mere matter of payment, although I want to know why a rich country like ours should force the licensed victualler to have his house invaded and to perform his duty of accepting billet at a clear loss of money? In fact, I feel assured that the country would reject the idea of so mean and unjust an economy. I prefer to argue the question upon the issues of damage to public morality, damage to the soldier and injustice to a class who are citizens, and who, as citizens, have a right to demand that an Englishman's house shall be his castle. The Minister of War cannot defend the practice unless on the plea, that, bad as it is, he cannot do without it at present. But, Sir, I beg to say that it is his duty to find a remedy. All the lodging of the country is at his service by voluntary arrangement, as it is to all beside. He has all the barracks, and I propose to give him time—till 1876—to build more. He has the police-stations, and he could easily add dormitories to those stations. And he can always send tents with troops on the march. In fact, is not the soldierly way to march men across the country to march them as men would march in time of war? Would not our troops gain by the experience, and become more hardy by the exposure? Believing that neither the right hon. Gentleman the Home Secretary nor the right hon. Gentleman the Secretary for War can defend the system, I move the clause on the grounds that I have alleged—of injustice, partiality, injury to public morality and the public peace, and damage to the soldier. The hon. Member concluded by moving that the clause be inserted in the Bill.

New Clause (No troops to be billeted,)—(*Sir Edward Watkin.*)—*brought up*, and read the first time.

Question proposed, "That the Clause be read a second time."

Sir Edward Watkin

COLONEL BARTTELOT said, he would remind the hon. Gentleman that if he had taken the trouble to inquire into the condition of the Militia, he would have found that already they were for the most part, when out for training, in barracks. With regard to the Regular troops, did the hon. Gentleman mean that they were to be billeted on private houses when on the march, or in case of disturbances? What else could he mean? Had he asked for an increase of the billet money when troops were billeted, it would have been what was required by the publicans.

MR. GATHORNE HARDY said, that to deal with the question of billeting in a Licensing Bill was more than the Committee could be reasonably asked to do. Billeting was an old institution, had often been the subject of debate in the House, had been reported upon by Committees, and was well worthy of consideration; but it would have to be considered by itself, and not in connection with a Bill of this kind. The House which had passed the Mutiny Act, which every year re-established billeting, could hardly abolish billeting by the Bill now before the House. Much was being done by barracks, camps, &c., to make billeting unnecessary, and in 1873 only 10,467 Militia had been billeted; but it must not be forgotten that the men very often disliked camps, and that forcing them under canvas was hurtful to recruiting. With respect to the case of Lancaster, it was no doubt hard; but he hardly thought that the hon. Gentleman had done well to embitter the relations between the Militia and the town, by the information that the Militia were considered the scum of the city of Manchester.

MR. ASSHETON CROSS said, he had been Chairman for many years of Lancaster petty sessions, and he must say that while the Militia were there, good order prevailed. He therefore could not allow the hon. Gentleman's statement to go forth without making this reply to it.

SIR EDWARD WATKIN said, he did not think the answer which had been given to the statement which he had made in support of the clause which he proposed was satisfactory. He would, therefore, divide the Committee upon it.

Question put.

The Committee divided:—Ayes 34; Noes 151: Majority 117.

MR. GREGORY, in moving the insertion of the following Clause:—

(Person not to be liable for supplying liquor to private friends without charge.)

"No person keeping a public-house shall be liable to any penalty for supplying intoxicating liquors, after the hours of closing to private friends *bonâ fide* entertained by him at his own expense, and without any payment from them or on their behalf, or any expectation of such payment, notwithstanding anything in the principal Act to the contrary thereof,"

said, it was a great hardship that innkeepers should be the only persons who were liable to fines and other penalties for entertaining their friends after the prohibited hours; and, indeed it was a sort of stigma upon them that they were the only persons in trade that were liable to penalties for doing so. But if the law was as his right hon. Friend said—namely, that publicans were not liable if they supplied articles after hours if they were not intoxicating, he should withdraw the clause.

SIR WILLIAM HARCOURT, while not adopting the clause in its present form, thought that something should be done in that direction; for it seemed a monstrous hardship that an innkeeper could not give a cup of tea or a chop to a friend after 11 o'clock at night. When Viscount Cardwell and himself were staying at Oxford they put up at different hotels, and he visited his Lordship, and about 1 o'clock he had some whisky and water with his noble Friend. The thing was innocently enough done; but as he (Sir William Harcourt) could not possibly be said to be a traveller, it might possibly have cost the hotel-keeper his licence. Now, that was a monstrous state of things; and he would suggest that his right hon. Friend the Home Secretary should, on bringing up the Report, allow words to be introduced to this effect—"Closed for the sale of intoxicating liquors"—which would get rid of any doubt as to whether a publican was liable for selling other things than intoxicating drinks during the hours for closing.

MR. ASSHETON CROSS thought it would be a serious thing to have a clause like that inserted in the Bill without careful consideration, and he would rather leave the law as it stood, because

he did not believe that the man who *bond fide* gave drink to his private friends after hours could be fined for doing so. He had before him a case in which a metropolitan magistrate dismissed a charge, on being satisfied that the person supplied was the landlord's friend or relation. He feared that were the clause adopted, its interpretation would be widened, and that a publican might entertain too many ostensibly private friends.

MR. GOLDSMID thought that the words suggested by his hon. and learned Friend (Sir William Harcourt) would make the matter clear, and obviate what was at present a monstrous injustice.

MR. FORSYTH said, that it seemed very hard that a publican or hotel-keeper could not entertain his private friends at night without being liable for an infraction of the law. He would be satisfied with an assurance from the Home Secretary that the law, as it stood, met the case; but the opinion of a single metropolitan magistrate was not conclusive.

THE SOLICITOR GENERAL said, that if he had been called upon to prosecute in the case referred to by his hon. and learned Friend (Sir William Harcourt), he should have declined to do so, upon the ground that there was no offence. Both the Act of 1872 and that Bill contained a provision permitting the sale of liquors to *bond fide* travellers and persons lodging in the house, and he apprehended that the whisky supplied to his hon. and learned Friend was sold, in the eye of the law, to Viscount Cardwell, though it might have been consumed by his hon. and learned Friend.

MR. GOLDSMID must repeat that it was really a grievous hardship that a publican should not have the power of receiving and treating his private friends after business hours. In the case under notice, he presumed that if the hon. and learned Gentleman had been a friend, not of Viscount Cardwell, but of the hotel proprietor, he could not have been entertained, which certainly proved the unfairness of the present law.

MR. PEASE said, that he feared the clause would be abused, for if persons were admitted into the house of a publican after the usual hours they would all declare themselves to be the private friends of the landlord. He hoped the Committee would guard against any carelessness of definition.

Mr. Assheton Cross

MR. WATNEY said, that in such a case it would be for the magistrate who would have to decide the question to say whether the parties in the house were, or were not, the private friends of the landlord.

MR. ASSHETON CROSS said, they must take great care that the Act was not evaded. When a clause was drawn to meet a question of this kind, it would be scanned and scrutinized in every possible way. Some objection had been raised to the police being allowed to go to the private rooms of a public-house. Supposing a constable went to a public-house bar and heard a great noise in an inner room, and wanted to go and see what was happening, the landlord would object on the ground that it was a private apartment. The constable would then have to go for a warrant, and by the time he got back the party would have dispersed, and, practically, the law would be evaded. He had looked carefully into this matter, and had drawn up a clause upon it, but any alteration in the way of relaxation of that clause would require great care. He was bound to admit that there were great difficulties in deciding this question, and the Committee were bound to take care that the object of the Bill was not defeated. It must not be forgotten that licensed victuallers had considerable privileges and enjoyed a monopoly, and although he did not wish to place any unnecessary hardship upon them, still he could not recommend the Committee to adopt the clause of the hon. Member.

MR. GREGORY said, he did not wish to do anything that would be calculated to cause an evasion of the Act. The object he had in view had been to a great extent met by what had fallen from the right hon. Gentleman the Home Secretary. In reference to what had been stated by the hon. Member for South Durham (Mr. Pease), he might observe that if the hon. Member had read the clause before he made his observations upon it, he would have found not only that the parties entertained should be the private friends of the landlord, but the landlord must have provided the liquors without payment. However, he did not wish to press the clause against the feeling of the Committee.

Clause, by leave, withdrawn.

On the Motion of Mr. GREGORY, New Clause—

(Definition of term "owner.")

"Any person possessing an estate or interest in premises licensed for the sale of intoxicating liquors, whether as owner, leasee, or mortgagee, prior or paramount to that of the immediate occupier, shall be entitled to be registered as owner or one of the owners of such premises,"

—agreed to, and added to the Bill.

SIR WILLIAM HARCOURT, in moving the following clause :—

(Forfeited licences.)

"When a licence is forfeited under the provisions of any of the Acts for the sale of intoxicating liquors, by reason of the holder thereof having been convicted of felony, or of selling spirits without licence, such forfeiture shall be deemed to apply to the Excise licences only; and it shall be lawful to transfer or renew the magistrates' licence for the premises for which the Excise licence so forfeited was held to any new tenant or occupier of the said premises, and for the Commissioners of Inland Revenue to issue new Excise licences to such new tenant or occupier having obtained such transfer or renewal upon payment of the proper licence duty."

—said, there had been brought under his notice cases of hardship to owners of property in consequence of the existing state of the law. The 3 & 4 Vict. and the 23 Vict., provided for the forfeiture of the licence when the publican or the beer-house keeper was convicted of felony, or of selling spirits without licence; but it was only by reason of an accidental alteration in a recent Act, that the innocent owner was made to suffer. When forfeiture of the excise licence was given by former Acts, it was never for one moment intended that the owner should be subjected to the penalty of losing the magistrates' licence for his premises. He would mention two cases where the owner of the property suffered a larger share of punishment than the tenant who was convicted of breach of the law. In Rochdale a publican, who had been 22 years in occupation, was convicted of receiving some stolen hay. The Excise licence was at once taken away, and the magistrates held that the licence for the premises being also forfeited, there could be no transfer to an incoming tenant. Nothing could be more unfair than the exercise of this power. It came to this—that one single offence of an unexpected nature would suffice to ruin an innocent person's property. In Leeds, the magistrates, after careful inquiry and examination, transferred a

licence to a man of reputed good character. Some years afterwards, the police discovered that a long time before he became licensed he had been convicted of some offence which caused the forfeiture of his Excise licence, and the magistrates at quarter sessions decided that they had no power to transfer the licence to the house. He hoped the Home Secretary would see his way to grant relief to the owners of public-house property in cases where their tenants were convicted by reason of no fault on the part of the lessor.

MR. ASSHETON CROSS said, he feared that hard cases often made bad laws, and he was free to admit that the cases mentioned by his hon. and learned Friend were hard ones. In the vast number of cases to which the law applied, there should be thrown on the owner of property licensed for the sale of intoxicating liquor the responsibility of having as his tenant a respectable and well-conducted person, and with regard to the point, in the Bill under consideration there had been introduced provisions for the protection of the owners, and they all had notice. The clause in its present form was one to which he must object, while he was very willing to protect the owner of the property as far as he could.

SIR WILLIAM HARCOURT pointed out again that the provision of which he complained had never existed until the late Act, into which it had crept rather by accident than design. Previously to that Act the licence was void as against the convicted owner, but the magistrates, if they thought fit, could sanction its transfer. Nothing could be more unjust than to treat owners as they had been treated in Rochdale and Leeds. However, he felt that he had done his duty in bringing the grievance before the Committee, and he would not give the Committee the trouble of dividing.

SIR GEORGE JENKINSON hoped the Home Secretary would, if he declined to accept the clause as at present worded, endeavour to meet the case on the Report.

MR. HENLEY said, the clause, or some clause like it, was just, not only to the owner of property, but it was necessary for the convenience of the public. The clause provided against a magistrate from being disabled to continue the licence to a house where the tenant

had committed a felony; and so disqualified himself; but in point of fact, it should be left for the magistrates to judge whether or not the owner should by reason of his explanation, be allowed to retain the magisterial licence. It might so happen that the owner could not control the tenant. What he (Mr. Henley) looked to was this. Suppose the business was at a railway station. No inconvenience to the public could be greater than closing the house by withdrawing the licence and leaving it closed perhaps for 12 months, because the tenant had done wrong. Unless some such clause as that proposed was added to the Bill, great injustice would be done the owners of property licensed by the magistrates. Some men would always go wrong, and it would be a great hardship, if a large number of people should be inconvenienced by the acts of such individuals. He could not see what harm the proposal could do to anybody, and it might do some good. He hoped some clause of the kind would be put into the Bill.

MR. ASSHETON CROSS said, he had promised the hon. Member for East Sussex (Mr. Gregory) that he would accept his clause, and when it was brought on on the Report he should endeavour to see that no hardship was done.

SIR WILLIAM HARCOURT thought the matter might safely be left to the discretion of the magistrate.

Clause, by leave, *withdrawn*.

On the Motion of Mr. WATNEY (for Mr. Gregory), New Clause—

(Transfer or renewal of licences forfeited without disqualification.)

"In any case where by the principal Act or this Act it is provided that a licence shall be forfeited without a disqualification of the premises, or in any case where the premises are declared to be disqualified for any limited period under the principal Act, the owner of such premises may, either immediately or on the determination of such disqualification, as the case may be, apply for a transfer or renewal of such licence, either to himself or to any person properly qualified to hold the same."

agreed to, and added to the Bill.

MR. OSBORNE MORGAN, in moving the following clause:—

(Power to close and to refuse to sell liquor.)

"A licensed person shall not be bound to keep the licensed premises open, nor to admit or allow persons to remain therein, nor to sell to any person, but may lawfully close and keep closed the same, and refuse to sell liquor therein,

whether closed or unclosed during the hours during which the same may be lawfully open, or any part of such hours."

said, he made the Motion in the interests of the publicans as well as of the public, and therefore claimed for it the support of the representatives of that body in the House. The Committee was aware that in every part of the Metropolitan district, public-houses were allowed to keep open until 12.30 and that the occupier must keep his house open until then, whether he wished it or not, or whether any customers came to him or not, and until then he must keep up all his staff. It seemed to him that that was a monstrous hardship on the licensed victualler, which no other class of tradesmen were called upon to endure. The argument was, that the publican enjoyed a particular monopoly; but that seemed to him an utter fallacy, for he enjoyed it not for his own benefit but for that of the public, whose convenience would not be practically interfered with by this Amendment. He should be willing to confine the clause to London and the large towns. In 99 cases out of 100 in those towns the public-houses were merely places for drinking, and not refreshment houses. If the public wanted them to be opened at that hour, the publican for his own sake would take care to keep them open as long as his customers were likely to come. Chemists were not required to keep open late, but still they did keep open. He thought the matter might be safely left to the operation of the ordinary laws of supply and demand.

MR. ASSHETON CROSS said, he was sorry he could not accept the clause, which seemed to him a most extraordinary one. A number of gentlemen were to apply for licences, in order to accommodate the public with what they required to have in the way of refreshments, and that clause, when the licences were obtained, would enable the holders to shut their houses up immediately. Their houses might be applied to other purposes, and, for anything they knew, they might, in Wales, be applied to the purposes of some conspiracy. If the hon. and learned Member wanted to bring forward the subject he had mentioned, he should take a little more pains in drawing his clause. Under such a clause the public would be en-

Mr. Henley

tirely at the mercy of the licensed victualler or of the hotel-keeper. A person calling at his house might be served with anything but what he asked for, and then told he must have what was offered him or nothing. He could not think the Committee would agree to the clause.

Clause, by leave, *withdrawn*.

MR. ASSHETON CROSS said, he had now to move two clauses to carry out promises which he made earlier in the Committee. One of these was to the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke), and the object of the clause was to extend to beer-houses some privileges conferred upon public-houses. The other clause was a short clause enabling magistrates to issue temporary licences for opening earlier at harvest time.

New Clauses (Persons licensed under the Beerhouse Acts to sell beer for consumption on the premises may take out occasional licences and exemptions from the closing hours,) — (*Mr. Secretary Cross*,)—*brought up*, and read a first time.

On Question, That the clauses be read a second time,

SIR SEYMOUR FITZGERALD said, he could assure the right hon. Gentleman that as regarded the second of these clauses which he had mentioned, it was a subject of the greatest interest to the country. Only that morning he had received deputations relative to it, and the concession the right hon. Gentleman had now announced would not in the slightest degree meet the grievance which was conceived to exist in the country as regarded the late hour of opening. He hoped that when the clause came up again on the Report the right hon. Gentleman would re-consider the subject, and determine to enable the magistrates to make the same arrangement, not only at harvest time, but at all other times. At present, large numbers of the labouring population had to go considerable distances for their morning's refreshment, and that evil would not be cured if the hour for opening was not fixed at 5.

MR. ASSHETON CROSS said, he had not in the least introduced the two clauses with a view of meeting the circumstances to which the right hon. Gen-

tleman referred, but simply in fulfilment of a promise he made earlier in the Committee, and he thought it better that the Committee should see both clauses before they came up on the Report. As regarded the subject to which the right hon. Gentleman had referred, he thought the 26th clause of the Act of 1872 had not been sufficiently acted upon for the benefit of persons who were following their lawful occupations. On the Report, he hoped he should be able to propose words to be introduced into the 26th clause of the old Act which he thought would be beneficial.

Question put, and *agreed to*.

Clauses read a second time, and *added to the Bill*.

MR. GOLDSMID, in moving the following clause:—

(Power for Secretary of State to preserve extended hours where existing in boroughs.)

"Where, at the time of the passing of this Act, more extended hours than those hereby appointed shall prevail for the sale of intoxicating liquors in public-houses in any borough, it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, by writing under his hand, at any time, and from time to time, to direct that such extended hours, either in whole or in part, beyond the hours appointed by this Act, and either permanently or for a limited period of time, shall, in lieu of the hours appointed by this Act, be the hours for the sale of intoxicating liquors in the licensed premises in such borough, and such direction shall take effect accordingly,"

said, in explanation, that the clause stood on the Paper in the name of the hon. and learned Member for Cambridge (Mr. Alfred Marten); but to the surprise of many hon. Members who had come down to support him, the hon. Gentleman had not moved it. Consequently, he (Mr. Goldsmid) now took it up, and invited the attention of the Government to it. He asked the favourable consideration of the Government to the clause, because there could be no doubt that in cases where extended hours had been allowed, they had been allowed because the longer hours of occupation of considerable numbers of persons required it. He believed that if the clause were accepted, the difficulties now existing with regard to the hours in the agricultural districts would be obviated. He did not think that the proposed change would conduce to early drinking, and he hoped, therefore, the Government would give it favourable consideration.

MR. A. MARTEN said, that he had postponed moving the clause, intending to bring it forward for consideration upon the Report. He supported the clause, and was anxious that it should be favourably considered by the Committee. It was, he believed, entirely in accordance with the general principles of the Bill. The object of the clause was to enable the Home Secretary to preserve extended hours of opening or closing licensed houses where existing in boroughs. At Cambridge, which he (Mr. Marten) represented, the hours during which public-houses might be open on week days were from 5 A.M. to 12 P.M. The Bill as amended in its present form would cut off two hours in the 24 on week days, being an hour at each end of the day, besides, the time, about a quarter of an hour, which was allowed after the closing hour for consumption of liquor purchased before the closing hour. Considerable inconvenience might be occasioned to the public by a curtailment to this considerable degree of the existing hours. It might be presumed from the hours having been extended by the magistrates that there was some good cause for the extension in the wants of the public. The grant of the power of continuing the extended hours would have a two-fold advantage. In the first place, the power would provide a means of actually preventing or remedying any established inconvenience. In the second place, the knowledge that the power existed would allay irritation. His right hon. Friend the Home Secretary (Mr. Cross) had stated with the weight due to his high office, that he would not be answerable for the consequences in London if the hour of closing was not extended to 12.30 as he proposed. He (Mr. Marten) asked the Home Secretary to apply that observation to other parts of the country where extended hours already prevailed, and not to refuse that power which was proposed to be given to him in the public interest. It was to be observed that the principle of the Bill was not "uniformity," but was "certainty" of hours. The Bill admitted "variety" of hours. In the particular case of Cambridge, there were reasons why it might be treated somewhat exceptionally as to hours, and why, therefore, at all events, the power proposed to be reserved to the Home Secretary should be given. Cambridge was

a railway centre, and the three even-
trains were timed for arrival as
lows:—The Great Northern at 10
the London and North Western at 10
and the Great Eastern at 11.16. These
were the times appointed for arrival,
and, of course, the trains might be
Thus there were three principal trains
arriving every evening about, or after,
11 o'clock, which was the proposed new
time of closing. Besides that regular
traffic, there were daily, or almost daily
excursions during the summer months,
the trains generally arriving on their
return at a time later than, or about,
11 o'clock. On the first evening of the
Act of 1872 coming into operation, be-
fore the hours were extended, and con-
sequently when the closing was at
11 o'clock, 1,300 excursionists landed at
Cambridge after 11.15. The majority
of those had been in the train four or
five hours. It might be said that they
might obtain refreshment at the refresh-
ment room of the station. But if that
were so, the effect would be to create
a monopoly of supplying refreshment,
which might be injurious to the public
interest. In a few hours in the year
1872, as many as 3,780 male house-
holders of the artisan class signed a
memorial to the magistrates, upon which
the magistrates acted in 1872, in giving
relief by fixing the hour of 12 as the
hour of closing. Moreover, Cambridge,
as to hours, had been dealt with excep-
tionally from time immemorial. London
was dealt with exceptionally, and Cam-
bridge had claims to be dealt with, also,
in an exceptional manner. Cambridge
was a metropolis of learning. Even in
the times of the Curfew, Cambridge was
allowed an hour later than other places,
and was privileged to shut at 9 instead
of at 8, the hour appointed in other
places for extinguishing fire and candle.
The Bill before the House was a Bill
establishing a new Curfew, and it was
proper that a similar privilege should
be extended now to that which was
granted in former times. With regard
to other places, the hours of closing had
been extended to 12 o'clock in eight
places, including Cambridge, with an
aggregate population of about 250,000,
and to 11.30 in five places. With re-
gard to morning hours, 65 places, in-
cluding Cambridge, had extended the
hours of opening to 5 or 5.30. In all
these cases it might be considered that

were exceptional circumstances; (Mr. Marten), on the whole, that the proposed clause would be adopted, so that power might exist in the future for these exceptional circumstances.

SANDFORD said, he believed the object in view would be better effected by a clause which was to be inserted in the Report, under which the licensing justices would acquire power proposed to be given to the Secretary.

ASSHETON CROSS said, he could not possibly accept the clause. He was quite sure that his hon. Friends the Members for Cambridge and Rochester would see, if they would bear in mind what had been the feeling of the Committee with respect to the question of the clause, that it was totally impossible to insert such a clause. With respect to the clause that the Secretary of State might fix the hours, he was bound, out of duty to himself and his successors, to assume any such responsibility unless furnished him with some machinery by which he would be able to ascertain the feelings of the population in any particular locality.

FOLDSMID said, that after the decision made by the Home Secretary, he would withdraw the clause, but announced his intention to revive it on the same day as far as regarded the early hours. That, he hoped, the Government would be disposed to accept. ASSHETON CROSS remarked that the inconvenience might, perhaps, be remedied by a modification of Section 26 of the Licensing Act.

by leave, *withdrawn*.

rule.

ASSHETON CROSS moved as an amendment, to substitute for the terms "the metropolitan district, the words:—

"the City of London or the liberties thereof, or any place subject to the jurisdiction of the Metropolitan Board of Works, or within a four-mile radius from Charing

cross, *agreed to*.

rule, as amended, *agreed to*.

resumed.

reported; as amended, to be considered upon Tuesday 16th June, and to be read. [Bill 139.]

FRIENDLY SOCIETIES BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER, in moving for leave to bring in a Bill to consolidate and amend the Law relating to Friendly and other Societies, said, it would be in the recollection of the House that the subject was mentioned in the Speech from the Throne, and he might say that at the time Her Majesty was advised to make that reference in her Speech, the Government were in hopes that the Report of the Royal Commission, which had been sitting on the subject for some time, would have been presented in sufficient time to have enabled a Bill to be prepared and brought in before Whitsuntide, so that they might have had the advantage of getting the opinions of the great friendly societies and of the public generally in the course of the Recess, and thus have been able to proceed with greater advantage afterwards. But circumstances had delayed the presentation of the Report, and so rendered it impossible to prepare the Bill within the time originally intended. He hoped, however, there was still time to make progress with it, and he would therefore state the course which he thought now it would be the most convenient to pursue in order that they might deal satisfactorily with the subject; and in doing so, he would urge the House to afford every possible facility for dealing with a matter of such great importance as the one under notice. The question was one which affected a very large body of the working classes and the lower middle classes of this country. From the Report that had been presented, it would be seen that there were somewhere, probably, about 4,000,000 of persons who were actually members of different friendly societies besides an equal number who might be said to be collaterally connected with them; and the sum of money involved was not less than probably, £11,000,000 or £12,000,000. The matter was one which affected and had a close connection with the general welfare of the working classes of the country, and very closely bore upon the habits of providence, and the excellent habits connected with those of providence, which they desired above all others to cultivate amongst the people. It was, therefore,

a matter which had for a long time been one of interest to the Parliament of this country. For the greater part of the last century it had been the habit of Parliament to legislate with a view to encourage societies of the class, and the effect of the legislation which had taken place, and of the attention brought to the subject, had been to develop this great system. Restriction after restriction had been removed, and facilities after facilities had been granted, and there was no doubt that an enormous advance had taken place in what might be called the science of providence amongst the people. But at the same time that the system had been developing itself, certain inconveniences connected with it had also been developing themselves. In the first place, it had to be observed that the general law had been very materially altered since the time when special legislation was necessary for friendly societies—without which they could not have been formed and carried on their business on the footing on which it would now be possible for societies to carry it on if they chose to form themselves into joint-stock companies and carry on business on the footing of companies. Moreover, many restrictions that were placed upon them through the jealousy of Parliament—restrictions placed, for instance, upon societies which might be supposed to have political or mischievous objects in view—had been taken off and a much greater freedom and latitude allowed. On the other hand, there were a large number of other kinds of societies besides those properly called friendly societies, which had come into existence; such, for instance, as the industrial provident societies, loan societies, trade societies, and others which had had different Acts passed more or less bringing them into connection with the system. That system, which had been in force of late years, had been to a certain extent, one of Government patronage—that was to say, there had been a registration office, at which the promoters of those societies had been called upon to register them, and in that way obtain a certificate from the Registrar which gave them the advantages of the law. The result of that system had been that an impression had been created—an erroneous impression, but one by no means unnatural—that societies so endorsed by the certificate of

the Government Registrar were in a manner approved by the Registrar himself, and that had led many to believe that, though the Government had not guaranteed them, they might at all events be regarded as resting on a sound and good basis. In point of fact, however, the Registrar had no power of satisfying himself that the societies coming to him for registration were sound or good, and even when he had reason to think their rules, as presented to him, were satisfactory, he could not compel the societies afterwards to observe them. Indeed, it often happened that societies had fallen away from those rules, and that after having obtained the certificate of the Registrar, they had gone into bad ways, and great disappointment had been the consequence. They could easily understand that just in proportion as the encouragement of providence was good, and as the well managed societies were a great engine of good by encouraging providence, so disappointment, and the failure of societies in which people had put their trust, must necessarily act badly, because the rather discouraged people from contracting provident habits. It became a serious question, therefore, how far the should go in a direction which might probably encourage false expectation without being able to see that those expectations were fulfilled. He thought it was in the year 1870, that the late Mr. Tidd Pratt, who had been the first Registrar of Friendly Societies, died, and at the time of his death the attention of the Government was called to the fact that a very large proportion of the societies which had been duly certified were believed by Mr. Tidd Pratt himself to be in a very unsatisfactory condition. The then Chancellor of the Exchequer (Mr. Lowe) considered the Government was doing what was really a mischievous thing in sanctioning a system of registration which was illusive and likely to cause false ideas amongst the people; and the remedy he proposed was to introduce a Bill, the object of which was to abolish the office of Registrar and provide for something in the nature of open registration—that was, to allow all societies to register, provided they fulfilled the conditions which would entitle them to obtain a certificate. When that Bill was proposed, many friends of friendly societies were alarmed, and

thought that the passing of such a measure would be prejudicial to the societies; and they consequently applied to the Government to issue a Royal Commission upon the subject. That Royal Commission was appointed; it had sat for somewhat more than three years, and had recently presented a Report which contained a large mass of information and evidence upon the subject, in fact, almost all the materials required for forming a judgment upon it. In consequence of those inquiries, it was desirable that they should now terminate the state of abeyance in which the whole system had been kept for some time. Besides, it was all the more necessary to do so as soon as possible, for it could not have escaped the attention of hon. Gentlemen that throughout the country there was great and increasing anxiety manifested to try and improve these societies. In the first place, these societies were doing a great deal to improve themselves, and he thought that anyone acquainted with the facts, in common with himself, must express his admiration of the spirit in which some of the great bodies, and especially the Manchester Unity of Oddfellows, were endeavouring to improve the system of which they were leading examples. That great society had a sort of Parliamentary constitution of its own; the members met in their separate lodges, and in their Annual Moveable Committee discussed most freely the laws which bound the union and affected the different lodges. They faced, too, with great courage—which did them the utmost credit—every question that bore on their position and prospects. A more striking instance of that could not be given than the manner in which the Unity had recently undertaken an actuarial inquiry into the solvency of their different lodges, and boldly and honestly brought out to the world the rather disagreeable fact that the lodges, taken altogether, showed a large deficiency of assets as compared with their liabilities—a deficiency of upwards of a million of money. Well, when they saw a body of men coming forward and disclosing disagreeable incidents of that character, and that with a view of putting themselves on a footing of soundness, they could not help feeling that there was a spirit abroad which deserved to be encouraged, and which augured well for

the cause of progress. He did not hesitate to say that if there were no other societies than the Manchester Unity, the Foresters, and some others of a similar character, including some of the large country societies, they might be safely left to work out their own salvation. But there were other societies of a different character, which appeared to require a different treatment. The greatest interest was now felt in different parts of the country in the establishment and improvement of friendly societies, and it seemed only right that information and suggestions should be supplied for the guidance of those who wished to aid in forming sound and useful societies for their own district, the time being well adapted for dealing with the question. In order to show that the present law and system were not satisfactory, he would refer to a short passage in the Report of the Commissioners. It was there stated that the system of central registration had so failed of its object that less than one-half of the existing societies were registered, and less than one-third afforded the most elementary information—namely, that which referred to the number of members. He would now proceed to speak of the principles on which he thought they ought to proceed in legislating on the subject, and the first question was, what could they do in that way? It was obvious they must abandon the old system of a central authority, for what could one man do for the guidance of some 22,000 societies, scattered all over the country in remote districts, towns, and villages. That system had failed. The first principle which he would lay down was that they ought to interfere as little as possible with the voluntary action of those who were managing these societies. The truth was that friendly societies were excellent in themselves, but were doubly and trebly excellent in that they were the result of the voluntary action of those who belonged to them; and even although there might be in many cases a better system of management than that which was adopted; although some of the proceedings might be foolish or inexpedient; still it was better that the societies should not be governed as well as they might be than that Parliament should do anything in the way of governing them beyond what was

absolutely necessary. Therefore, he would say, let them, in legislating for these societies, endeavour to give them fair play, and let them leave them to manage as far as possible for themselves. But in order that they might have fair play, there were two things which they wanted—they wanted proper facilities for action, and they wanted, above all, proper information. They should, therefore, he thought, legislate with a view of supplying the members of the different societies, and those who took an interest in those societies, with such information as would enable them to form an accurate judgment both as to what was being done and as to what ought to be done. For instance, take the cardinal question of the tables on which alone these societies might safely be founded. It was quite evident that it was mathematically demonstrable that, if a society was founded on a system of tables which was inaccurate, and promised benefits from a rate of premiums which was insufficient to produce those benefits, there must, to a certain extent, be failure. On the other hand, it was almost impossible for the general run even of educated persons, and quite impossible for the mass of those who belonged to those societies, to judge, on the face of the papers which were laid before them, whether this or that society was sound or not. There could be no doubt that a very large number of societies were formed on very inadequate data, and if hon. Gentlemen would look at the chapter of the Report which related to the subject of premiums, they would see demonstrated by a distinguished actuary, who was a member of the Commission, how societies were constantly misled by adopting tables which might be correct under some circumstances, but were not correct under others. For example, if a society comprised amongst its members a large number of those who pursued dangerous trades, and who were taken without medical examination, although they might have adopted tables prepared under high authority, yet those tables would lead to ultimate insolvency; whereas, if adopted in the case of agricultural labourers, the society might be very successful. Notwithstanding that difficulty and danger, however, the amount of information now collected with regard to sickness and death was

such that, with a very moderate degree of attention, it would be quite possible to prepare tables which would be very useful to different classes of societies, and he thought the Government would not be in any way overstepping its proper functions if they were to prepare and publish tables containing such information, not, of course, compelling societies to adopt them. That was one of the objects contemplated by the present Bill. Another thing of importance was, that there should be some organized system for the valuation of assets and liabilities. Societies might adopt what appeared *a priori* the most promising tables in the world, but the only way of ascertaining whether they were sound was by a valuation; and there must be a periodical valuation in order to ascertain whether or not the tables which were used were satisfactory. That was a principle which was acknowledged and laid down by most distinguished actuaries who had taken an interest in that matter, and one which had been prominently put forward and recommended with the utmost authority by the Manchester Unity and other great societies. He thought, before quitting that question, he ought to say a word on the subject of insolvency in order that the meaning of the phrase should be clearly understood, and to prevent that uneasiness which might be created by the supposition that such great bodies as the Manchester Unity might be regarded as insolvent. If a society having 1,000 members, for example, adopted certain tables, invited certain payments, and promised certain benefits, it was clear that if the payments were insufficient, and if no new members came in, it would ultimately fail to fulfil its engagements. If, however, any considerable number of young members were brought in, the fact might be for a time concealed, because the money of the young men would go to pay the allowances to the older men, who were coming on the society's funds. If therefore the society went on increasing its numbers, it might postpone or suspend its insolvency for an indefinite time. Such a society was not, however, in a healthy condition, and when the time came that young men refused to join it, the older members would be deprived of the benefits that had been promised them. But if such a society dis-

ed by a periodical valuation that change was necessary, it might by ing its benefits and increasing its ents to a small amount, or by ng a levy upon its members, re- and retrieve its position. And the r a society found out its mistake had the courage to apply the re-; the sooner that society would be d upon a sound footing. A pro-

had been made that the Govern- should take some of the work ie friendly societies upon itself, the idea had found favour with that the Government should un- ke the conduct of the sick business. elieved, however, that half the lt of these societies would be lost if dministration were taken out of hands. The Government, more- would be open to so much fraud imposition that it would be dan- s, if not impossible, for them to take such a duty. But with re- to another class of business—the ance on death—that was a matter which the Government might fairly

At present the Government did insurance for sums payable on , but the amounts did not go low gh, and it was very much to be d that the system of Government insurance should be brought more n the reach of the working classes. oke just now of one of the parti- in which the Government might assistance—that was, by correct , and by the putting out forms of tion, which might enable persons lerstand them. Now, that was an tant point, because at present the ies were almost all in the habit of shing accounts of some sort; but published them in various forms, t it was difficult to make out whe- hey were in a solvent state or not. hought, therefore, the Government : fairly require the use of prescribed

of valuation—forms of account of the officers of the societies would for themselves, and which forms d be of such a nature that anybody ad a moderate acquaintance with bject should be able to form an te judgment of the condition of ocity. Well, then, if they gave ocieties power to establish them- on a sound basis; if they gave forms of account to show whether ere solvent, and were carrying on

their concerns satisfactorily; and if, at the same time, they made proper provisions for separating the different funds, so that the funds—say of the life insurance department—should not be devoted to the sickness department, or to management, or some other purpose, which was rather a common practice; all they had to do was to take care that these facts were brought fairly before the members of the societies, and of the public, who had been watching the proceedings of the society. Well, they held it impossible to do that in a satisfactory manner under a system of purely central registration, and the Commissioners recommended that in addition to a central registration office there should be a system of district registration. The great object was to provide that the societies which were carrying on their business in different parts of the country should register themselves, and should register certain particulars of all their proceedings; as to their numbers, as to their funds, as to the tables they adopted, and also as to the valuation of their assets and liabilities—that all these particulars should be given in the registry in the locality. It would be necessary to absorb the separate central offices of Scotland and Ireland, and to have one central office for the whole of the Kingdom. At present a society might be registered in England, and might carry on business in Ireland without being registered there. In such cases a member seeking redress had to come to England. The Bill proposed to divide the whole Kingdom into districts, each of which would have a deputy Registrar. They did not propose in the Bill to set out the whole system in detail; but they proposed to leave it to a Department of the Government—probably the Treasury—to parcel the country out into districts. They proposed that there should be something like 40 or 50 districts, connected perhaps with the County Courts, and that there should be paid officers appointed, whose remuneration would not, however, be very high, and whose duty it would be to receive the registrations in the different districts in which they were placed, and to furnish Returns to the central office in London, and that there should be a list placed in some convenient spot in these districts where it would be accessible to anyone who desired to inspect it. They

also gave power to the central Registrar to make certain regulations which should be laid before Parliament. They proposed to meet some of the difficulties which had been suggested by the members of friendly societies themselves; but into that part of the Bill he would not go into any great detail at that hour. They proposed to give an appeal when registration was refused, to grant certain advantages in the way of holding land, and to grant incorporation in certain cases where it might be desired. But, the main principles of the Bill were to strengthen and improve the machinery of registration; to publish correct tables for the use of those societies; and to encourage and, as far as possible, to enforce a system of periodical valuation. He was afraid hon. Members, when they came to look at the Bill, might think it rather a long one; but if they referred to it, they would find that it in reality greatly abbreviated the law, for its provisions related to all societies whose objects were of a friendly character, such as industrial and provident societies, charitable societies, scientific and literary societies, trades' unions, and loan societies. The Acts of Parliament relating to these and kindred societies comprised no less than 180 clauses, and the Government now proposed to consolidate these statutes into the 80 clauses in the Bill. Of course, it would be possible for the House to legislate upon the whole question, or to omit from the Bill those portions which referred to any particular class of societies. With regard to burial societies, it might be as well that he should say a word or two. A great deal of public attention had been drawn to the large burial societies. These societies had, indeed, constituted one of the chief difficulties in the scheme, because it was in connection with them that the greatest amount of fraud and cruelty had been found to exist. He did not mean to deny that some of those societies might be well managed; but the evidence adduced before the Commission showed that they, in too many instances, inflicted great injustice and cruelty upon the more helpless classes of the poor. Indeed, it had been stated with authority, that not one in eight of those who subscribed to them derived any advantage from their subscriptions. The collector of the society received his payment in proportion to the number of

persons he brought into the society, and the consequence was that the collector called for some time, and then neglected to call again; and the person insured thus lost all benefit in the society. Restrictions had been introduced into the Bill which they hoped would put a stop to some of the evils of this system of collection. Another point of great importance and delicacy in connection with these burial societies was the question of insurance of infant life. They had reason to believe that the insurance of infants led directly to great carelessness about infant life, to say the least of it, and there were districts mentioned in the Report of the Commissioners, which would show that where these burial societies were in most extensive operation, there infant life was lamentably shorter than in other places. They therefore proposed to prohibit the insurance of any infant below three years, and also to impose some restrictions on the insurance of children above that age. Without going further into the details of the Bill, he would just indicate the mode in which it would be best to legislate upon the subject. He was quite aware that this was a subject upon which they were anxious to legislate quickly; but it was of still more importance that they should legislate carefully, and that they should carry the feeling of the country with them. Nothing, in his opinion, would be more unfortunate than to pass a crude and hastily prepared measure on a subject of great interest without sufficient consideration. There was a large amount of work before them. The Bill contained 80 clauses, and though a good deal of it was not new, and might be accepted without much discussion, still if they got into Committee, and many Amendments were proposed, it would be difficult to carry it through this Session. On the other hand, to refer it to a Select Committee would scarcely be satisfactory, and what he proposed to do, therefore, was this. He hoped that the Bill would be in the hands of hon. Members in the course of two or three days. He proposed, if there was no general objection, to take the second reading on Monday the 22nd, and he would propose to go into Committee at some short distance of time from that. He should ask hon. Gentlemen, who took an interest in the subject, to communicate with him as to

any alterations or suggestions that they might have to make upon the Bill. That was the course pursued by Mr. Sotheron Estcourt, when he brought in and passed successfully the last Bill on Friendly Societies. Mr. Estcourt was in the habit of seeing at his house gentlemen who took an interest in the subject, and there the matter was discussed, and Amendments put into the Bill, which made it easier to go through Committee. If, however, there were questions on which they could not agree, and upon which much discussion would come, it would be necessary for the Bill to stand over for another year. He was sanguine that hon. Members of the House would give him every assistance, and he would again say that if gentlemen would communicate with the promoters of the Bill, privately, out of the House, a great deal of time would be saved, and aid given to the passing of the measure. He could not help saying that he attached enormous importance to dealing with these and similar questions. It was impossible not to feel, when they were brought to inquire into subjects of this kind, in a melancholy degree how much good power was running to waste in this country. There was a system which if only a little amended, would enable the masses of the people to support themselves. Large sums of money were subscribed which, if administered on a sounder basis, would be sufficient to raise the masses of the people out of the sink of the Poor Law. There were large employers who were desirous for their own sakes, and out of benevolent motives, to assist workmen out of an unfortunate pit-fall, which they were unable to do under the present law. His own conviction was that if they could establish a sound and trustworthy system of registration of these societies, and if they could accompany it with a stricter administration of the Poor Law, and a fairer adjustment of wages, it would be for the benefit of the employer, would effect a saving of the poor rate, and enable the employer to assist his workpeople to provide for themselves; and in this way it would be of the greatest advantage to the whole country; and he felt that the first steps were those which they were now asking the House to take; for if they had a good system of provident societies, the rest might follow, and they would have a very great improvement

in the condition of the people. He trusted that the House would accept the Bill in the spirit in which it was offered; and although it was one which undoubtedly might involve somewhat complicated machinery, and certainly would involve machinery which would be somewhat costly to Government, still it would be for objects well worthy any small expense that they might incur, and one which would be of the very greatest advantage to the country. The right hon. Baronet concluded by moving for leave to bring in the Bill.

MR. GOLDNEY said, he rose with some reluctance, because he felt that it was inexpedient that any long discussion should be held upon the proposals of the Bill, until hon. Members had had an opportunity of seeing the measure in print. He entirely agreed with the Chancellor of the Exchequer that it was very desirable that these societies should be left to themselves as much as possible; but, at the same time, he thought that some assistance beyond that indicated by the right hon. Gentleman should be afforded them on the part of the Government. The right hon. Gentleman had gone into some little amount of detail respecting the existing state of those societies, and it appeared from his statement that some 4,000,000 inhabitants of the United Kingdom were members of friendly societies, while their aggregate property amounted to about £12,000,000, giving an average of about £3 for each member. He regretted that he could not find in the speech of the right hon. Gentleman that he held out any hope of affording means of raising the position of the members, so that on their being overtaken by sickness they should not fall back from the state of independence they had been striving for. All the assistance that the Chancellor of the Exchequer appeared inclined to lend them was to relieve them from the expense of registration; and he did not find in the statement of the right hon. Gentleman any encouragement or advantage corresponding to that which the Government gave in abating from a person's income tax a sum equal to one-sixth of the premium on his life insurance. Under the present system the subscribers to these societies were sometimes left in doubt whether their efforts at providence were likely to benefit most themselves, or

merely reduce the poor-rates by affording them a small amount of relief in sickness and misfortune. He wished that the Government should take charge of the funds of these societies and return them a rather larger interest for their money. The Government would certainly confer a benefit on such societies by supplying tables prepared by skilled actuaries, and based upon well-ascertained statistics, which would show members of those societies at a glance what they should pay and what they ought to receive in return for their subscriptions, a proceeding of which he approved; but he thought some means might have been provided for encouraging the association with such societies of local gentlemen of position who would take an interest in their affairs, and help in their discussion and administration. In his own county, that had been done by Mr. Sotheron Estcourt, a gentleman who had established a large society in which the smaller ones had become absorbed, and there had been no instance of failure or complaint. He thought the right hon. Gentleman would only clog his Bill by proposing to incorporate with a measure relating to friendly societies so many and such various other subjects as he had mentioned, and by such means render it incapable of being worked.

Mr. MACDONALD said, he was exceedingly glad to learn that the Government was going to deal with the question of burial societies. In his experience, there was no system that had caused so much annoyance and hardship—and, in many circumstances, so much wrong—as the present system of these burial societies. He hoped the Chancellor of the Exchequer would show that he was determined to deal with them in a vigorous manner, and that the House of Commons would support him with a strong hand, so as to put an end to the fraud which was practised on the poorer classes. He congratulated the right hon. Gentleman on this part of his Bill, and he hoped he would be successful in carrying it.

Mr. WHEELHOUSE thought, as regarded affiliated benefit societies, it was necessary a totally different arrangement should be made as applying to them. They ought to be kept totally separate and distinct from burial and insurance societies, and indeed ought, if possible, to be dealt with by separate legislation. It was, above all things, most

desirable they should have the management of their own affairs, and that no unnecessary interference whatever should be permitted. He suggested the necessity of having a head office in London to manage all these societies, presided over by an able and experienced person appointed by the Government, and while his whole time should be devoted to the duty, he should be solely responsible to them for the manner in which he discharged the duties of his position. As to the auditing of their accounts, he believed the societies themselves could do that work better than any actuary sent for the purpose. He hoped there would be no interference with the arrangement which allowed children to become members of these benefit associations, seeing that he was fully convinced that the admission of the "child element" did much to teach and increase thrift among the young, and to insure frugality among the parents.

Motion agreed to.

Bill to consolidate and amend the Law relating to Friendly and other Societies ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER, Mr. SECRETARY CROSS, and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time [Bill 140.]

MERCHANT SHIPS (MEASUREMENT OF TONNAGE) BILL.—[Bill 118.]
(*Sir Charles Adderley, Mr. Cavendish Bent, Mr. Bourke.*)

SECOND READING.

Order for Second Reading read.

SIR CHARLES ADDERLEY, in moving that the Bill be now read the second time, said, that its object was to secure a more accurate measurement of what might be called the freight-bearing capacity of merchant ships. The action of the Suez Canal Company in respect of the measurement of the tonnage of British vessels had rendered the passing of the Bill a matter of urgency. The Bill contained nothing new except in two or three of its earlier clauses, for the rest of the measure was a transcript of the sections of the existing Act relating to the measurement of tonnage. In point of fact, it was little more than the embodiment of the decision upon the deductions from gross tonnage to arrive at a net register tonnage on which

Mr. Goldney

lock dues should be charged, which has come to by the International Commission at Constantinople, on which the principal maritime nations were represented, and its introduction now had been precipitated by the late action of M. de Lesseps. It laid down, in the 4th clause, a clearer and more accurate mode of arriving at net tonnage by limiting the deduction for engine, crew, and navigation spaces. The sliding scale of engine space deductions in the Act of 1854 had produced great unfairness, and vessels had been constructed for the purpose of evading restrictions, the uppermost deck being brought down almost to the middle of the ship's depth, while the upper part had been so constructed as to carry much weight, and yet escape dock and harbour dues. Unseaworthiness had in many cases been the result. The new system was already a force for vessels passing through the Suez Canal, and in many cases it had led to a reduction of the dues, so that probably nobody would suffer increased charges except those who had been hitherto reaping an unfair advantage. It was important that the House should deal with the question without delay, and he hoped the measure would be passed that Session. Other countries would, no doubt, be encouraged to follow their example. The right hon. Gentleman concluded by moving the second reading.

Motion made, and Question proposed, 'That the Bill be now read a second time.'—(*Sir Charles Adderley.*)

MR. GOURLEY suggested the reference of so technical a Bill to the Board of Trade or to a Select Committee, that the evidence of practical men might be taken. A Committee of the Whole House could not deal satisfactorily with a measure which involved complicated mathematical calculations. The Suez Canal Company would be enabled by it to charge on a high tonnage, instead of at a high rate.

MR. MACGREGOR begged to impress upon the right hon. Gentleman the President of the Board of Trade, the propriety of referring the Bill to a Select Committee. The 4th clause which the right hon. Gentleman thought the only one capable of objection, was the only one he considered just and right.

He strongly objected to the 5th clause; but Clause 6 was the most objectionable of the whole; it practically put into the hands of the Board of Trade, the complete power of revoking, varying, or altering the mode of measurement, and the mode of making allowances for the whole of the merchant shipping of the country. Again, Clause 7 looked very much like an arrangement by which the Board of Trade would have every facility rendered them for entering into law-suits with shipowners. They had taken advantage of the powers they already possessed to a very large extent, and the ratepayers of this country had had to pay sweetly for it. In every case, where law-suits of the kind were entered into, the Board of Trade had been defeated, and had had to pay for it. There were other clauses which required very close looking into. Many of them related to technical matters, and therefore ought to be drawn up by men possessing technical knowledge, and criticized closely by others possessing such knowledge; therefore he would suggest to the Government the desirability of allowing the matter to go before a Select Committee, where the most important interest, the Mercantile Marine, might be heard, and give expression to their views before the passing of the measure.

MR. D. J. JENKINS, as a practical seaman, condemned the 5th clause of the Bill, relating to the space between the main deck and the hurricane deck of a ship as most dangerous, and he should certainly oppose it in Committee.

MR. T. E. SMITH said, the Bill was drawn up haphazard, and with the usual reckless style of the Board of Trade when dealing with the merchant shipping of this country, and he hoped it would not be allowed to pass without the most careful scrutiny of its clauses in Committee.

MR. SHAW LEFEVRE said, that as the clauses of the measure were identical with those of the Bill introduced by himself on the part of the late Government some three years ago, and the provisions of which had been carefully considered two years before, he felt bound to assist the right hon. Gentleman opposite in carrying it through the House. He denied that there had been any recklessness or haphazard legislation on the part of the Board. There was no novelty in the Bill, but he thought it

would be a great advantage to the country if it were adopted, for the existing mode of measurement had given rise to great evasions, and it urgently required amendment. The only alteration in it was in the 4th clause, so that he was inclined to think that the matter should be a subject of conference with the Board of Trade, and that it was hardly necessary to refer it to a Select Committee. The International Commission had adopted the system of measurement under the Bill for the Suez Canal, and had recommended it for adoption by other countries.

ADMIRAL ELLIOT regarded this as one of the fairest Bills that could be proposed. It would put an end, moreover, to that system of shipbuilding which had been going on in order to evade tonnage dues—a system that had produced most dangerous ships, imperilling the lives of our seamen and passengers. He strongly objected to deck-loads, and hoped that matter would be included in the penalties, inasmuch as this practice not only endangered the ship, but navigation generally. Low free-boards and deep waists were also dangerous, and if deck-loads were prohibited, this dangerous feature would disappear.

MR. WILSON said, that the Bill was not required, for it was only brought in to legalize a form of measurement which had been instituted by an International Committee in the interests of M. de Lesseps, and which was nothing else than a tax on British shipowners, as they would find from the increased charges levied upon the ships that went through the Suez Canal. So far as the shipowners were concerned, they had the strongest desire to co-operate with the Government in carrying out any measure which could conduce to the safety of our shipping; but with regard to the measure under notice, his objection was that shipowners had not had sufficient notice of it, and did not know what it was intended to effect.

MR. NORWOOD said, he did not object to the second reading of the Bill; but he maintained that its provisions could not be properly settled, unless it was referred to a Select Committee. Some of the clauses as they stood might, in his opinion, injuriously affect the shipping trade.

Question put, and *agreed to.*

Mr. Shaw Lefevre

Motion made, and Question proposed, "That the Bill be referred to a Select Committee."—(*Mr. Norwood.*)

SIR CHARLES ADDERLEY objected to that course. There was nothing new in the Bill, except the 4th clause. The only question they had to arrive at was the right mode of ascertaining the freight-earning capacity of merchant ships. He hoped the proposal would not be carried.

MR. T. E. SMITH thought a conference with the Board of Trade on the part of members of the shipping trade would be infinitely preferable to referring the Bill to a Select Committee. Time must be allowed for calling together the several representatives to assist at the conference, and if there were an assurance that that should be done, he should advise the hon. Member not to press his Motion.

SIR CHARLES ADDERLEY expressed his readiness to meet the view of hon. Members in regard to the conference.

Motion, by leave, *withdrawn.*

Bill committed to a Committee of the Whole House for *Monday* next.

PUBLIC PETITIONS (PREPARATION AND PRESENTMENT) ACT (1661) REPEAL BILL.

On Motion of Sir GEORGE BOWYER, Bill to repeal an Act of the thirteenth year of Charles the Second, chapter five, intitled "An Act against Tumults and Disorders upon pretence of preparing or presenting Public Petitions or other Addresses to His Majesty or the Parliament." ordered to be brought in by Sir GEORGE BOWYER and Mr. Serjeant SIMON.

Bill presented, and read the first time. [Bill 141.]

CHAIN CABLES AND ANCHORS BILL.

Select Committee nominated:—Sir CHARLES ADDERLEY, Mr. LEFEVRE, Mr. ARTHUR PEEL, Lord ESLINGTON, Mr. BROGDEN, Mr. HICK, Mr. EUSTACE SMITH, Mr. LAIRD, Mr. GOURLEY, Mr. BATES, Mr. MELLY, Sir JOHN HAT, and Mr. CORRY:—Power to send for persons, papers, and records; Three to be the quorum.

WATERFORD GRAND JURY TRANSFER BILL.

On Motion of Mr. RICHARD POWER, Bill to transfer the fiscal powers of the Grand Jury of the city of Waterford to the Mayor, Aldermen, and Burgesses of the said city, ordered to be brought in by Mr. RICHARD POWER and Lord CHARLES BERESFORD.

Bill presented, and read the first time. [Bill 142.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, 9th June, 1874.

UTES.]—PUBLIC BILLS—*First Reading*—*Asses and Sales of Settled Estates* * (93); *Venue Officers Disabilities* * (94).
2d Reading—*Infants Contracts* (80); *Local Government Board's Provisional Orders Confirmation (No. 3)* * (82).
Motion—*Church Patronage (Scotland)* (72-75); *Public Worship Regulation (re-comm.)* * (76-86).
Motion—*Report*—*India Councils* (79); *Wentworth Elementary Education* * (84).

INFANTS' CONTRACTS BILL—(No. 80.)

(The Viscount Midleton.)

SECOND READING.

Order of the Day for the Second Reading read.

VISCOUNT MIDLETON, in moving the Bill be now read the second time, said, that the object of the measure was to amend the law as to the contracts of infants, and as to the ratification made by persons of full age of contracts entered into by them during infancy, and as to necessities supplied to infants. Their Lordships were aware of the very objectionable circulars sent to young officers of the Army and Navy, a large proportion of whom were under age, holding out temptations in the shape of loans and of goods on credit. Or, take the case where the parents of a young man at the University refused to pay for things supplied, on the ground that they were such things as no tradesman ought to supply to youths under age, the creditor brought an action in local or other Courts, where the jury of his own class had to decide the question whether the goods were "necessaries" or not, and they seldom found any difficulty in arriving at the conclusion that they were necessities. He would mention two or three cases in illustration of his meaning. An Oxford student held that champagne and wild ducks were necessities for an undergraduate; their jury of the same place found that studs of emeralds set in diamonds were within the same category; and a third jury found that expensive suits—proofs before letters—were necessary furniture for the rooms of an undergraduate of moderate expectations. The first clause of this Bill provided that contracts by infants for

the repayment of money lent or for goods supplied, except for necessities, should be absolutely void; the second, that no action should be brought on ratification of an infant's contract made after attaining full age; and the third, which was the most important, that in respect of goods supplied to or work and labour done for an infant the question whether the goods supplied or the work and labour were necessities or not should be for the Court or Judge, and not for the jury. If their Lordships passed the Bill he was happy to say one of the Law Officers had consented to take charge of it in the other House.

Moved, "That the Bill be now read 2^d."—(The Viscount Midleton.)

THE LORD CHANCELLOR said, he did not propose to offer any objection to the second reading of the Bill. On the contrary, he thought the object of the Bill of his noble Friend was likely to be beneficial; but, at the same time, he would suggest to the noble Viscount to bring the measure under the notice of the Common Law Judges, as the persons of the greatest experience in these matters, for the purpose of ascertaining whether they would approve its provisions.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Tuesday next.

CHURCH PATRONAGE (SCOTLAND)

BILL—(Nos. 72-95.) COMMITTEE.

(The Lord President.)

Order of the Day for the House to be put into Committee, read.

THE EARL OF AIRLIE said, he had given Notice to move on the Motion that the House be put into Committee—

"That it be an Instruction to the Committee to give power to the General Assembly of the Church of Scotland to frame rules (if they shall think fit) under which persons other than communicants as defined in this Act may become qualified to elect and appoint ministers to vacant churches and parishes in Scotland"—

He had been advised that it would be competent for the Committee on the Bill to deal with the subject referred to in his Instruction; and therefore he would not proceed with the Motion.

THE LORD PRESIDENT acquainted the House, That Her Majesty had been graciously pleased to signify that she had placed at the disposal of Parliament

her interest in the several rights of advocacy, donation, and patronage of churches and parishes in Scotland belonging to her.

Then it was *moved* that the House do now resolve itself into a Committee upon the said Bill: The same was *agreed to*.

House in Committee accordingly.

Clause 3 (Repeal of Acts 10 Anne, c. 12, and 6 & 7 Viet. c. 61. Appointment of Ministers in future).

THE EARL OF CAMPERDOWN: My Lords, the object of this measure, as stated by the Lord President, when he introduced the Bill to your Lordships, is to strengthen the Church of Scotland, and the mode which the Bill adopts is by removing patronage from the hands of the patrons who have exercised it hitherto, and placing it in the hands of the communicants. Now, my Lords, I want to know, in the first place, how does this removal of patronage in any way strengthen the Established Church of Scotland? It appears to me that, apart from the objections that exist to the communicants, the effect of this change is not to strengthen the Church by any enlargement of the basis upon which it rests, or by giving it some additional hold on the affections of the people; but the effect of the change is simply to give a statutory recognition to what has for long been a matter of fact—namely, to enact by statute that for the future, presentations which practically have been for a long time in the hands of the congregations, are actually to be vested in the hands of a portion of the congregation. Indeed, as I have already pointed out to your Lordships, so far as this is a change at all, it really is a restriction and not an enlargement of the Church, because hitherto the patrons themselves have for the most part not been members of the Church of Scotland, and where they have renounced their patronage they have given it up into the hands of the congregations, who have exercised it directly or through the hands of a committee. Now, this change, so far as it is a change at all, is a change in a restrictive sense, because henceforth the patrons who are not members of the Church of Scotland will have no voice in the presentation, nor, as the Bill stands now, will that portion of the congregation have any voice who are not

communicants. Now, my Lords, does this new electoral body as defined in the Bill in any way really strengthen the Church of Scotland? Does it alter the basis upon which the Church is constituted, so as to enlarge it as a Church in any way? Does it bring into the Church any person who is at this moment without its pale? But, apart from these questions, there are objections which I would entertain to the very qualification of communicants. In the first place, the qualification is the institution of a sacramental test—a form of qualification which has been universally rejected for many years in all legislation with regard to England. I was mistaken the other day when I said that the communicants up to this time were a body unknown to the Legislature in Scotland, because—as the noble Lord opposite who corrected me afterwards very properly observed—in the year 1870 a Bill was passed with regard to certain churches in Edinburgh which undoubtedly did constitute the communicants for the future the elective body. But I submit to your Lordships that this qualification of communicants is a narrow and not a broad qualification, and it is one which we ought not to sanction in a Bill of this kind, which has for its object the strengthening of the Church Establishment in Scotland. In the next place, I would point out that the patrons who have up to the present time presented to the livings have been recognized in Acts of Parliament, and that their title is a Parliamentary title. I submit to your Lordships that a Parliamentary title is the title upon which alone any persons who have a right to present to livings of the Church in connection with the State should base their claims. Now, my Lords, what are we going to do in this Bill? I find it, first of all, in the Bill—I find afterwards repeated on the Amendment of the noble Duke beside me (the Duke of Argyll)—that in the case of the communicants their qualification is to be defined by the General Assembly. The communicants are to mean all male persons whose names appear on the communion roll of the vacant church and parish. Now, I took the opportunity of stating to your Lordships on a previous occasion—and it is probable some of your Lordships may know it—that this communion roll may depend, to a great extent, on the will of the clergyman of a parish. The

clergyman of a parish has the power, if he likes to exercise it, of raising any objection, and he might say that a certain person should not communicate. I admit that, in the event of a clergyman so acting, the person against whom the objection is raised has the right to appeal to the General Assembly; but I submit to your Lordships that it is not right that the qualification of those who are in future to elect the ministers of the Established Church should depend upon the action either of the minister or of the General Assembly, and feel convinced that the country will only be satisfied with the qualifications of the electors being determined by Parliament, as has heretofore been the case. Now, my Lords, I desire to be brief; but there is one more objection which I must take the liberty of pointing out to your Lordships, and it is this—that there are many parishes in Scotland in which this qualification of communicants cannot possibly work in a satisfactory manner. There are many parishes in the Highlands in which there are very few persons connected with the Established Church, and, consequently, very few communicants. To such an extent is this the case that in the course of a debate which took place lately in the General Assembly, a proposition was brought forward by, I think, a minister of the Established Church, that in parishes where there was not above a certain number of communicants the electoral franchise, as I may call it, should be extended to persons who were not members of the Church of Scotland. Now, my Lords, having said this much I will proceed to state the purpose of my Amendment. But I wish to make one general remark, in which I am sure all your Lordships will concur—namely, that it is a very dangerous thing to meddle or in any way, if I may so say, to tinker, with any Establishment. Unless there are very grave reasons of State why we should introduce some changes into it, I am sure that all the friends of the Establishment will be of opinion that it is much better to leave the Establishment undisturbed; but if it is conceded that there are such reasons in this case, and if it is necessary to change the principles upon which patronage has been hitherto administered, I submit to your Lordships that we ought at all events to seek some wide and comprehensive basis

upon which the Church may really rest—that we ought to extend the franchise so as to give satisfaction and excite an interest in the general body of the Scotch people, and that we ought not, as proposed in this Bill, merely to recognize in words a state of things which has actually existed a long time in practice. I have looked at the various qualifications which have been proposed from time to time by different persons, and I must say that I take the same exception, though in a much less degree, to the substitution of “congregation” instead of “communicants,” as is proposed in this Bill. It appears to me that we cannot get from the General Assembly any definition of “congregation” which is really final, and which it is beyond the power of anyone to change. I submit that the electoral body ought to be defined by Parliament, and without the consent of Parliament there should be no means of changing its constitution or of altering the mode of electing ministers of the Established Church of Scotland. Now, I may observe to your Lordships that all matters which affect the constitution of the Church, even if not an Established Church, are really determined by some Civil Court or by Parliament. I have read a good deal recently of the liberty, for instance, which the Free Church has obtained. But many of your Lordships will remember the famous decision in the Cardross Case, which laid it down that the Free Church has a constitution, that that constitution must be defined and decided by the Civil Courts, and that it is not competent for any member, or any majority of members, to set aside the rules which they have once established for themselves. If this is true with regard to the Free Church, how much more true is it with regard to the Established Church. I have gone through the various qualifications proposed from time to time, and until I arrived at the ratepaying parishioners I have not been able to find one single qualification which, in my opinion, really places the Established Church upon a reliable and sound foundation, from which it cannot be removed without legislative interference. I have no superstitious veneration for the ratepaying parishioners, but a ratepaying parishioner is a person whose qualification your Lordships will readily understand; and if it is represented to me—

to justify their being included in the congregation. In such circumstances, would there not be a danger that such questions would be decided in a manner to render the church congregation more and more narrow and sectarian? This mode of forming constituencies for the election of ministers seems to me directly calculated to create and exasperate religious animosities in the parishes of Scotland. And these animosities would spread from the parishes to the Presbyteries and Synods, to which, as the higher Church Courts, questions as to the exclusion or admission of members into the congregation would be carried from the Kirk Session by appeal. Nor is this all. When being admitted to the congregation carries with it a valuable privilege, and exclusion from it a denial of that privilege, I apprehend that it will be impossible to prevent those who may consider themselves unjustly excluded from the congregation from appealing to the Civil Courts, and asking those Courts to decide whether the privilege Parliament had meant to confer upon the parishioners, of taking part in the election of ministers, had not been unduly narrowed by the rules of the Assembly, or the application of those rules by the Kirk Session. In the case of a national institution, and of a question as to rights derived from an Act of Parliament, I do not see how jurisdiction can be refused to the Civil Courts, and if it is exercised, we may be sure that the cry against Erastianism will again be raised. By adopting the proposal of the noble Duke, I cannot doubt that we should be sowing the seed which, sooner or later, would produce the fruit of fresh conflicts between Civil and Ecclesiastical authorities in Scotland, and new perils for the Church Establishment. There is another and a yet stronger objection to the proposal, that the choice of ministers for the parishes of Scotland should be determined by an election, in which only the members of the church, whether described as "communicants" or as "the congregation," should have votes. If the Church of Scotland is still to be considered to be a national institution, the whole nation must be regarded as interested in its welfare. For one, I have always held that it is impossible in argument to defend the maintenance of an Established Church, except on the ground of its utility to the nation at

large. On that ground, but on that ground only, I hold that a well-constituted Church Establishment may be successfully defended as one of the most important of national institutions. An Established Church ought to be, and I believe it is, both in England and in Scotland, of the greatest benefit not only to those who belong to it, but to the nation, because the nation at large is deeply interested in the existence of such an instrument for diffusing and keeping alive through the whole community religious knowledge and a sense of religious responsibility. Hence, though I am not a Scotchman, but an Englishman, and prefer our own Church to a Presbyterian Church, still as a British subject I feel a deep interest in the success of the Established Church of Scotland as promoting the welfare of the whole United Kingdom. And this interest must be felt much more strongly by a Scotchman living in Scotland. Though his own feelings and opinions may lead him to join in the devotions of some other form of Christianity, it is a matter of deep concern to the inhabitant of a Scotch parish, that the person selected for the office of minister of its national Church should be a truly able and pious man. Surely, then, it is not just that a man of education and intelligence deeply interested in the welfare of a parish should be denied any voice in the choice of a minister because he is not a member of the Established Church, while men far less likely to exercise that privilege with judgment are allowed to vote. Among the electors there may be men who owe the privilege to an adherence to the Church far more nominal than real — worldly, selfish, and indifferent to the public good. It is neither just nor calculated to promote the welfare of the parish or of the nation, that such men should be allowed to vote in the election of ministers because they profess to adhere to the Church, while men far superior to them, and far more truly interested in the good choice of a minister are excluded from voting because they are members of a different religious body. Consider how this would work. My noble Friend behind me (the Duke of Argyll) told us the other night that many of the persons holding patronage in the Scotch Church did not belong to it. He is himself a large holder of patronage which he uses admirably, and

also a member of the Establishment; but there is another noble Duke, now in the House, who is, I believe, patron of a still larger number of parishes, and who told us that he is a member of the Church of England and of the Church of Scotland. Now, even nobody will deny that the Duke of Buccleuch has used his patronage as candid and as conscientiously as my noble friend behind me, and that he has a deep interest in the welfare of the parishes where he exercises this power. Under this Bill the Duke of Buccleuch will not only be deprived of the patronage he has used with so much effect to the public, but he will not be allowed to give a vote in the election of the minister of the parish in which he lives, though he is so deeply interested in the choice which will have to be made. I repeat that this is neither a prudent nor calculated to promote the public good; and I contend, therefore, that if we must have an elective ministry for the Scotch Church you ought not to take away the right of election to its members, and I know of no other body to which it could be entrusted with so much responsibility as those who are most truly interested in the welfare of the parish rate-paying inhabitants. There may be some doubt whether the ratepayers would not in some cases be too unqualified a body of electors, and whether it would not be better that they should be enabled to exercise their power indirectly instead of directly by giving nomination of the minister to the board elected by the ratepayers. Without venturing to give an opinion on this point, I must express my conviction that maintaining the Church as a national institution implies that the nation is interested in it, and that to establish a system by which its ministers should be elected only by those who are members of it is entirely inconsistent with this view of its position. While ministers are appointed to churches by the State, or by private patrons, acting in the character of trustees for the nation in the parishes, and while every member of the parish is entitled to share in the choice in the use of the Church, and in the services of the minister, the position of the clergy is obviously totally different from what it will be if they are elected only by a section of the ratepayers, and in some cases by a very

small section of them. If this change is made, I am persuaded that no long time will elapse before the question what is to be done with the Scotch Establishment will again come before us in a more difficult and complicated form than it now presents. In contending that the right of voting in the election of ministers ought not to be narrowed by excluding parishioners who are not members of the Church, I have not forgotten with how much power the noble Duke (the Duke of Argyll) argued the other evening in his very eloquent and impressive speech against allowing the enemies of the Church to have a share in the appointment of its ministers. I cannot deny that this was a weighty argument, but admitting its force, it seems to me rather to suggest a doubt as to the wisdom of having brought forward this measure at all than to justify the adoption of so dangerous a course as that of creating a narrow sectarian constituency for the purpose of choosing the ministers of a national Church. My noble Friend's speech, as I told him at the time, led me to the conclusion that it would have been far better not to have meddled with the subject at all. I do not mean to find fault with the Government for having done so; considering the strong wish which has for several years been displayed by the General Assembly of the Church for the proposed change, and the very large majority in that body by which the demand for it has been supported, I am not surprised that the Government—having before its eyes the unhappy results of a difference with the Assembly 30 years ago—should have shrunk from again engaging with it in a controversy of the same kind with that which ended so badly. But though I do not presume to condemn the Government for what it has done, I most deeply lament that the leaders of the Scotch Church should have been so ill-advised as to raise this question. When I listened to my noble Friend, as he described how well the existing system had worked, it seemed to me that he was proving in the most conclusive manner, how much wiser it would have been to abstain from disturbing an arrangement under which the parishioners have no practical grievance to complain of, for the purpose of introducing a new system which will be attended with so much risk of failure

For let me remind you what it was that we heard from the noble Duke. He told us that in the present state of things, it was practically impossible that a minister to whom there was a serious objection on the part of the people could be intruded upon a Scotch parish; he showed us that if a patron were so wanting in a proper sense of his duty as to wish to inflict such an outrage on a parish, there exists a moral power to prevent him from doing so, which it is simply impossible for him to overcome. The noble Duke went on to describe his own practice—which he said was that usually followed by other patrons also—when a parish was vacant. He told us that he consulted some of the leading Churchmen of the parish, and that they—after learning the opinion of their fellow parishioners—recommended to him, as the patron, the minister they thought most likely to be acceptable to the congregation. Can any man say that, under this arrangement, any practical grievance exists? Does it not, in fact, come to this, that, at the present moment, the parishes of Scotland enjoy the benefit of having their ministers appointed by a kind of virtual election, but without all the disturbance and the risk which must follow from making the election a formal and a legal one, with the necessity which flows from this, of defining by law, who are to be the electors? The heads of the Church of Scotland have therefore, in my opinion, committed a grievous error, by inducing the General Assembly to insist by such large majorities in asking for legislation on this subject; but as they have been so ill-advised as to do so, and this measure is brought before us by the authority of the Government, I should be the last Member of your Lordships' House to ask you to reject it. But in assenting to it, it is our duty to endeavour to pass it in the shape in which it will be likely to give rise to the fewest difficulties, and to the least danger hereafter; and of the various constituencies suggested for the election of parochial ministers in Scotland, the one proposed by my noble Friend who has moved the Amendment—namely, the ratepayers of the parish, is, in my judgment, that to which, on the whole, there is least objection.

THE DUKE OF ARGYLL*: As on Tuesday last, on the second reading of this Bill, I had the honour of stating to

the House several arguments which appear to me conclusive against allowing the ratepayers, as such, to elect ministers of the Gospel, I shall not require to detain your Lordships long in urging some further objections to it. But I cannot allow to pass without reply the two speeches which have just been delivered—one by a noble Lord who was connected with the late Government, and the other by the noble Earl (Earl Grey) on the cross-benches, misrepresenting in the most grievous manner many facts which ought to be understood by everyone conversant with the history of the Church of Scotland, and advancing arguments in favour of a proposal which I really can hardly conceive being deliberately made by any sane man—the proposal, I mean, to give the election of ministers of the Established Church to ratepayers indiscriminately. In the first place, my Lords, I must observe that it is absolutely a revolutionary change. There has been nothing like it in the whole history of Churches either of England or of Scotland; and when we undertake to deal with ancient institutions, avowedly for the purpose of reforming and strengthening them, it is our habit to act in the spirit of those ancient institutions, adapting them indeed to the new circumstances and new conditions of society, but not to adopt proposals which are absolutely inconsistent with the fundamental principles on which Parliament has proceeded in former times.

My Lords, I do not consider myself in any sense a High Churchman—for there are Presbyterian High Churchmen as well as Episcopalian High Churchmen; I hold that the attitude in which all Churches should address Parliament is that of ordinary societies, whatever may be their opinion as to the peculiar sacredness of the source from which their privileges are derived. But it is fatal, not merely to a Church, but to any society, to introduce into it—and confer powers of government upon—those who do not belong to it, and who do not desire to do so. Are we prepared to introduce the principle of this Amendment into any other Church? We cannot adopt it in this case on the plea that it is essential to the position of an Establishment without admitting a general principle applicable to the Church of England also. The professed object of the Amendment is to widen the Church

otland; but I have no hesitation in saying, that in the peculiar condition of Scotland—a condition which always existed—it would make compromise as regards the Dissenting Churches absolutely impossible. It is not a Presbyterian Church in which would not reject the proposed terms of membership, and it would not be repelled from joining the Established Church by the very fact that such a clause had been entered. The Dissenting Churches would say with truth—"We have got our freedom by seceding from all connection with the State; we always told you that the Dissenting Churches would not be subject to the freedom of the Established Churches. You of the Established Church denied it, and applied to the State to reform and strengthen it, and what have you got? You have an Act of Parliament which forces you vast numbers of men who belong to no Church whatever." And yet my noble Friend (Earl Grey) talks of the danger of collision with the Civil Courts because we propose to leave some of the regulation of the Church to the Civil Courts. He refers to this possible collision as likely to increase the prejudice against "Erastianism" against the Established Church, whilst he supports the Erastian Amendment of the noble Lord (the Earl of Camperdown). As to the danger of Erastianism being charged against the Church because the Civil Courts may have to decide on the interpretation of this new law, that cannot be avoided. There can be no Established Churches without Acts of Parliament, and there can be no Act of Parliament which may not ultimately come before the Civil Courts for decision and interpretation. The certainty that a free constituency for the election of ministers would be fatal to the possibility of comprehension with the other Presbyterian Bodies is so important that it is to impress it on the House. The fact that the Established Church has submitted to such a claim would be a final and conclusive argument against their ever joining it. The man who knows the opinions of the members must know that the Bill, in its present form, is beyond all question the best way of removing the difficulties of other Presbyterians joining the Established Church. Look at the indications of this which are now

being given. Look at the alarm this Bill has caused among the leaders of the voluntary Churches. And why this alarm? Because they know that the proposed constituency—so objected to here—is the very one which places the Established Church on the most popular basis in Scotland. But adopt this Amendment, and the whole virtue of the Bill as regards popularity and comprehensiveness is gone.

Then, my Lords, I have another objection as regards the practical working of such a system. There are some parishes in Scotland, as in England, in which the patronage is in the hands of the ratepayers. In England it is notorious that these are the most unfortunate parishes in the country, and the same may be said of the corresponding parishes of Scotland. I have a Petition here from one of them, the parish of North Leith, and Dr. Smith, the minister, and the whole Kirk Session declare that the operation of this indiscriminate popular patronage is most injurious. Within the last half-century no vacancy has been filled up in a shorter period than two years on account of the squabbling, quarrelling, and electioneering tactics that were resorted to. Yet this is the condition of things which the Amendment would make universal in Scotland. My Lords, there is no analogy between election by ratepayers and selection by a congregation. The conduct of bodies of men depends on the spirit in which they are brought together. Congregations have a pride and a real personal interest in the ministrations of the Church. They are an organized body with its own *esprit de corps*. Its members have a sense of responsibility towards each other and towards the Church. But the ratepayers as such have no *esprit de corps*; the election of a minister, therefore, becomes a scramble, which is conducted without principle, without the sense of responsibility, and must end, as it always does, in disorder and confusion.

And now, my Lords, I pass to another objection to the Amendment of my noble Friend, to which I referred also on Tuesday last, but which has acquired new force from the proceedings of this night. For what, my Lords, have you already done to-night? You have passed one clause of the Bill which repeals Lord Aberdeen's Act—an Act, indeed, to which there are many objections, but

which has at least this advantage, that it does afford an important protection to parishes against the intrusion of improper men, by giving to congregations the power of making objections against a presentee, and by giving to the Church Courts power to give effect to those objections. Now, it is proposed to vest the election of the minister in a committee of ratepayers—men infinitely less responsible than the existing patrons—and to enable them to put a man in over the heads of the members of the congregation, withdrawing at the same time from the congregation even the protection of Lord Aberdeen's Act. Was ever such an act of tyranny towards a congregation and a Church proposed before? If it be said the Amendment is to be itself amended, and protection against the intrusion of improper men is to be given by recognizing the right of veto on the part of the congregation, and by allowing it to be exercised *toties quoties* so long as unacceptable men are presented—then you come back to a virtual election by the congregation, but you arrive at this result in a roundabout and most inconvenient way. But as the Amendment is now proposed to the House there is no security whatever against a majority of ratepayers putting in a bad man on purpose to disgust and destroy the Church. My Lords, I see that in the Press, and in letters, I have been taken to task for suggesting that such a Machiavellian policy could be adopted. I confess I have a profound distrust of the temper in which religious parties will act towards each other when they have the power. Moreover, we are not without experience in this matter. There have been cases in which it is alleged with apparently too much reason that this has actually been done. There have been cases in which municipal bodies holding the right of patronage and governed by Dissenters have been strongly suspected, and, I fear, on good grounds, of presenting inferior men on purpose to disgust and disperse the congregation. Some of these cases, and one in particular near Edinburgh, have been among the most scandalous cases of disputed settlements. But, my Lords, this is not all. Look at what the voluntary Churches are doing now in resisting this Bill. I said the other night that the United Presbyterian Church did not venture to oppose

this Bill on its merits, and I have had some indignant remonstrances addressed to me saying that they do. Well, I saw some United Presbyterian friends of mine the other day, and said to them—“How on earth can you oppose this Bill? It proposes a mode of selecting ministers which you yourselves have adopted; and not only that, but which you declare to be a matter of divine right. How, then, can you refuse to your fellow Christians in the Established Church that which you yourselves declare to be the divinely appointed right of every Christian Church?” Their answer was—“It is a divine right provided the Church is disestablished; but it is not a divine right if it is established.” Now, men who deceive themselves to such an extent as to the conduct which real Christian principle requires them to pursue towards others, are quite as capable of thinking that an individual parish has no right to the services of a good man as that the whole Church has no right to a good system of appointing her ministers. Of course, I do not say that all Dissenters would act upon such principles; I know they would not. The high-minded men among them would refuse to have any part in the election. But, then, who would take part in it? The men of a lower class of mind—the bigots, the fanatics—and others who may not be scrupulous as to the means of embarrassing the Church.

My Lords, there is another argument with regard to the ratepayer to which for a moment I desire to call the attention of the House. Not many years ago the minister of the Established Church had many civil functions; he was head of the education of the parish, he was head of the Poor Law Board, and he had many other statutory rights and privileges strictly connected with civil matters. At that time there might have been at least some plausibility in the argument in favour of ratepayers having some voice in his election, although even then it would have been monstrous to allow the congregation at least a veto. But all this has been changed within the last few years, and the Established Church of Scotland and her ministers have been dissociated from all those civil powers and duties which formerly belonged to them, so that they have now purely spiritual functions to

discharge, and are merely the spiritual guides of their own flocks, including, of course, all who desire to belong to these.

And now, my Lords, there is another argument of some delicacy, which, however, I should be ashamed wholly to avoid. It is impossible not sometimes to ask the question whether the power of the Christian pulpit is not on the decline. It has, I think, lost much of its authority in this country, owing to other competing influences—to other modes and forms of discussion. But this may be said with perfect truth, that over a large part of Scotland the pulpit is still what it has ever been—the centre of intellectual and religious life, upon which many depend for the highest interest and comfort of their lives, and for the consolation which the services of religion can give them in the hour of death. I do not envy the responsibility of those—a responsibility in which I will take no share—who would place the election of ministers in the hands of men who may not be Christians at all—who may take no interest in the services of religion, and who make no profession whatever of the Christian life. Is it fit that such men should be the judges of the powers of the ministers of the Gospel rightly to handle the word of truth? Will the House of Lords import such a precedent into its legislation—a precedent which, once established as an essential feature in Churches connected with the State, will soon be extended to the Church of England also?

My Lords, the Bill of the Government stands on this strong foundation; it is founded, in the first place, on the universal practice and custom of all the Presbyterian Churches in Scotland; it is founded, in the second place, on the adoption by the Legislature of the very same constituency on the very last occasion on which it has had to deal with the subject. Only four years ago Parliament, when many Established Churches in Edinburgh were disconnected from the Annuity Tax, decided that the constituency for the election of ministers should be the congregation, expressing its opinion through the communicants. That is the precedent adopted by Parliament, and it is for those who object to show conclusive reasons for their objection. Lord Minto, in a letter to a public journal, and my noble Friend

near me, have endeavoured to represent the Communion as a test by means of which a man might be arbitrarily excluded by the minister of the parish. But that is not the constitution, that is not the practice, of the Church of Scotland. The practice is that the desire of persons to go to Communion is considered, not by the minister alone, but by the minister and the Kirk Session, the elected representatives of the congregation; and I think I can say of my own knowledge as a fact that everybody is admitted to the Communion as a matter of course, except those who are leading notoriously scandalous lives. My Lords, I have known cases in Scotland in which a refusal has been given, but those cases were not in the Established Church. I have known a case in the Episcopal Church of Scotland where a man has been repelled for having written a book which was certainly not against the interests of religion; and another in which Church Ordinances were refused to parents because they had sent their children to a school connected with the Established Church; but that was in the Free Church. The truth is that the Communion Roll is by far the best foundation, if you desire comprehensiveness as regards all the Presbyterian Churches of Scotland. In England, indeed, when a Dissenter goes over to the Established Church he takes a great step—perhaps I may say a very wide stride. But in Scotland he has to take no step or stride whatever—there is nothing different in the worship—nothing in the forms of Communion—no quarrels about symbolism, or about the more important things which that symbolism is intended to represent. In that weighty speech which we heard the other night from the noble and learned Lord (the Lord Chancellor) on the English Bill, he said—"Do not let us quarrel about the position in which a minister may stand in administering the Holy Communion; let it be to the south, the west, or the north, do not let us quarrel about it." Well, my Lords, that may be a wise thing, I believe it to be a necessary thing as matters stand in England; but let us not deceive ourselves as to what it means. It means "Don't let us mind, don't let us care, don't let us as a Parliament inquire, whether this Sacrament is dispensed as a Protestant Communion or as a Roman Catholic Mass." But

did I not hear my noble Friend on the Bench below (the Earl of Harrowby) declare the other night that the existence of those ritualistic practices in the dispensing of the Communion was an effectual bar to many persons joining the service? In England, therefore, the Communion may be a test, and the communicants in a particular parish may be confined almost to one religious party. But in Scotland there are none of these differences, and therefore the members of one Presbyterian Church may pass with perfect ease and freedom to another. My noble Friend (Earl Grey) said that the other night I had disapproved of communicants as the constituency for the election of ministers. I never said so; what I did say was that "communicants" was not the word used in the old statutes, but that "congregation" was the old word, although formerly no doubt "congregation" was synonymous with "communicants." Nevertheless I think it would be expedient to give power to the Church to include among those who are to elect the minister members of the congregation who are not communicants. Practically at the present moment, when the selection of ministers is left to the congregation, the opinion of the whole body, whether communicants or not, is consulted; although no doubt in the event of agreement not being attained, and a vote being taken, it is the communicants who alone generally vote in all the Presbyterian Churches. My Lords, the other day I mentioned the parish of Bonhill, in the Vale of Leven, which at the present time is vacant. In pursuance of my usual practice, I put the patronage in the hands of the congregation, and since the previous debate I have received from my hon. Friend (Mr. Smollett), for many years M.P. for Dumbartonshire, and one of the chief members of the congregation, a statement of the number of communicants, and also of the number of adherents who usually sit in the parish church. From this it appears that the number of communicants is 820, but besides these there are other 420 adherents and regular sitters in the church. I think it is not expedient to preclude the Church, by the wording of an Act of Parliament, from assigning to them some part in the election of a minister merely because they did not choose to

communicate—if the General Assembly can see its way, as I do not doubt it can, to some reasonable rule as to the definition of those who are *bond fide* members of the congregation. If Her Majesty's Government should think this Amendment opposed to the principle of the Bill I will not press it; but I am unable to perceive that it is in any way inconsistent with such principle. I think it will place in the hands of the Church a useful freedom, and a freedom, moreover, which is at the present moment exercised; for both in the Free Church and the Established Church, where this freedom is allowed by the patron, all the congregation, and not merely the communicants, are consulted on the choice of the minister, although, no doubt, if it came to a vote, the communicants only may take part in the election. My noble Friend on the crossbenches has said that by avoiding the definition of a congregation we shall impose a very difficult task on the Church. I cannot agree that such will be the case. There are at the present moment some hundreds of parishes in Scotland which are termed *quoad sacra* parishes. These are not in the gift of patrons, but the ministers are often presented by the seat-holders of 21 years of age and upwards who have been attendants in the church for one year. I see no difficulty whatever in the Church enacting a general rule that, in addition to the communicants, those who have occupied seats in the parish church for a twelve-month previous to the vacancy should take part in the election of the minister. I do not agree, however, with my noble Friend (Earl Grey) that there is any danger of persons partaking of the Communion with the sole object of becoming electors. In the first place, it is not practically found that such danger exists, although the constituency is the same in all the voluntary Churches. Indeed, as I am not aware that people can see beforehand the death of a minister, and as the Communion Roll is ordinarily made up once a year, it would not appear that there is much temptation or much facility for the conduct my noble Friend refers to. My noble Friend has apparently never been able to get out of his head the old controversy about the Test Acts. My Lords, no one can entertain a greater horror than I do of those Acts, for it was a

profanation of the Sacraments of Religion to compel men to partake of them for the purpose of acquiring civil rights; but all Churches are connected more or less with creeds, confessions, and articles of belief; and what are these but religious tests? Indeed, I do not know what is meant by a Church unless it be a body of men bound together by some community of beliefs. These may be so drawn as to be wide and comprehensive, or they may be narrower and more restricted. But every Church must have some definition of its beliefs—some test of a religious character whereby to define its membership. Therefore, to object to Communion being made a test for religious purposes because it is utterly abominable and detestable in civil matters is surely a strange confusion of thought.

As usual, my noble Friend on the cross-benches (Earl Grey) agrees with nobody but himself. According to him, every possible alternative is bad—the provision in the Bill being worst of all. Then he expressed astonishment that the Government should have undertaken to do anything at all, and asked what could be the reason of it. Now, I must remind my noble Friend that there exists in Scotland a Body called the General Assembly, with a full representation of the laity as well as of the clergy of the Church. Well, that Body, by over 400 votes against 16, determined to accept this Bill, and sincerely thanked the Government for bringing it forward. Your Lordships may, I think, safely assume that a body of that kind knows its own interests. For my own part, my Lords, I envy the noble Lords opposite the honour of having introduced this Bill, and I envy them still more the power of passing it; but I should feel ashamed if I were to allow any feeling of envy to interfere with the cordial support which, in my opinion, this measure deserves. My Lords, this Bill has no necessary connection with party politics; but no question can be brought before Parliament in the present day connected with an Established Church, without touching on its outskirts various prepossessions of the great political parties. For example, this Bill does offence to some of the political prepossessions of the party opposite, which prepossessions it is most honourable in them to abandon. There has always been a very

strong feeling on that side of the House, and also on this side of the House, in favour of lay patronage as a right of property. I hold, therefore, that a Conservative Government which brings in a measure to do away with lay patronage has sacrificed a good many of the strongest prepossessions of their Party. With regard to the Liberal Party, I should have thought that there were some elements in this Bill which would have recommended it to them. It carries with it some extension of popular power and popular privileges which, within due limits, the Liberal Party has been accustomed to regard with favour as expedient and just. I am well aware that a section of the Liberal Party is opposed to all Established Churches; but, even if Free Churches should ultimately be the rule in this country and throughout the world, at least it ought to be admitted that as long as Established Churches exist we should deal honestly by them, and legislate for their good and the spiritual interests of their members.

There is another thing, my Lords, which I confess recommends this Bill to me as a Member of the Liberal Party. The Liberalism of Scotland has been an historical Liberalism, founded upon clear, definite, manly conceptions of the nature and duties of the Christian Church, and also of the nature and duties of a Christian State. It has never been the modern slipshod Liberalism, which is indifferent to all principles of this kind, or which looks for some Church which is to be without any faith, and for some theology which is to be every man's religion in general and no man's religion in particular. The Liberalism of Scotland has been made of very different stuff—founded on definite conceptions on all these matters, and it has been because of its possessing this character that it achieved such great things in the history of the country. I think I perceive on the horizon controversies yet to come in which the same principles will yet play an important part. I agree with my noble Friend, that it would have been better not to touch this question at all rather than to adopt any of the alternatives to the Government Bill which have been proposed. But if this Bill passes, it will, I believe, strengthen the Established Church, and will do lasting honour to the House of Peers.

THE EARL OF SELKIRK, who was very imperfectly heard, opposed the Amendment, observing that whatever course was taken, he hoped the noble Duke would not give this power to the General Assembly, as it was a body eminently unfitted to discuss such questions. He hoped the Government would look narrowly at the clause again, and see if some better means could not be provided of defining those bodies who were to elect the ministers.

THE EARL OF AIRLIE said, that in the Instruction which he had intended to propose to the Committee, but which he had withdrawn, he had gone a step further than the noble Duke (the Duke of Argyll.) The Instruction was in effect to give to the General Assembly power to frame rules under which persons other than communicants as defined by this Act might be qualified to elect—in other words to define who were members of the congregation qualified to vote. His noble Friend (the Duke of Argyll) argued at great length against the ratepaying qualification; but he (the Earl of Airlie) only proposed to admit those to whom injustice would be done if it was left to the general body of the ratepayers to elect the ministers. It would be very dangerous when dealing with the Established Church to lay down the principle that no one who was not a member should have anything to do with it or any of its regulations. His noble Friend said that the United Presbyterians would not allow any interference by those outside. But that was not an Established Church—which made the case entirely different. He did not think that the illustration of the noble Duke with respect to the disendowment of certain churches in Edinburgh bore on the matter. If the Amendment were carried a good many bodies, including the town councils and heads of houses in Scotland, would be excluded. He had not heard any reference made to the Highlands, in which there was a very large population, of whom the members of the Established Church were a very small section indeed. In some of the parishes of the Western Highlands there were no members of the Established Church at all. What would be the position of things there? It was said that they left the Church because they had no voice in the election of the minister; and now they were not allowed

to have any voice in it because they did not come to church. They might get over the difficulty of the appointment of minister by having him elected by the General Assembly; but they would by so doing bring the church in those parishes into opposition. They knew in Wales there were hardly any members of the Established Church. Would it strengthen the cause of the Church in Wales if they were obliged to put the election of ministers in the hands of the Bishop or the Dean and Chapter? But the case was stronger, because the people in the Highlands had left the Church for the very cause that they had no voice in the election of ministers. They were making it much more difficult for the Dissenters in the Highlands to come back. What they said was that those men should never have a voice in the election of ministers unless they stultified themselves by coming back to the Church first. Instead of opening wide the doors of the Church—as wide as possible—they were closing them, and really ostentatiously slammed the doors in their faces. The truest friends of the Church were, in his opinion, those who would entrust the election of her ministers to a large and not to a limited body. The Resolution proposed in the General Assembly, which could not be put, would have opened the doors of the Church far wider than the present Bill, and he would point out that many distinguished writers would be excluded by their very eminence. He knew that the noble Duke opposite would give a very fair consideration to the objections of those who differed from the Government, and therefore he would leave the matter in his hands.

THE MARQUESS OF HUNTLY said, that he quite concurred in the sentiments of the noble Earl who had just spoken (the Earl of Airlie) with respect to the parishes in the north of Scotland, in which the communicants were so very few that it would be absurd to leave the election to them. He would suggest that where there were less than 20 communicants in the Established Church, the Free Church communicants should be allowed to vote.

EARL GRANVILLE, who was very imperfectly heard, was understood to say that he would give every assistance to the Government in carrying the measure; but he thought the question was

much larger one than the noble Duke (the Duke of Richmond) seemed to be aware of when introducing the Bill.

THE EARL OF LAUDERDALE said, he did not think the Amendment would be agreeable to the House or to the country. He hoped, at least, that the word "congregation" would be added to "the communicants," because, if not, one half of the heritors would be disfranchised, although they might have pews in the Church. The noble Duke (the Duke of Argyll) had expressed great thanks to the Government for bringing this subject forward; but he (the Earl of Lauderdale) could not concur with him, for he never was more surprised in his life than he was in finding that a Conservative Government should have brought in a Bill to upset the Church of Scotland, when even the late Prime Minister thought this a subject with which he could not deal.

THE DUKE OF RICHMOND: My Lords, I do not know what the mind of the late Prime Minister may have been; but as my noble and gallant Friend speaks of the motives and feelings that actuated Mr. Gladstone when in office, I am sure he would not bring them under our notice unless he had special grounds for being his mouthpiece. My noble and gallant Friend expressed his surprise that Her Majesty's Government should have dealt with this question; but I think he should rather have adduced some arguments to show that the abolition of patronage in Scotland would tend to injure rather than to strengthen the Established Church in that country. I do not know whether my noble Friend opposite (the Duke of Argyll) called your Lordships' attention to the fact that the General Assembly, which is supposed to know more of the requirements of the Church than any other body, has, by an overwhelming majority, arrived at the conclusion that it was expedient to pass the measure in the shape in which we have brought it before the House, and have rejected all other modes of dealing with the question. I wish, I may add, to remove the idea that it is only since our recent accession to office, that I, as a Member of the Government, thought of bringing this subject under the notice of Parliament. The fact is this—It has been my duty, connected as I am with that part of the country, to consider all matters relating to the wel-

fare of the Establishment in the country; and I pointed out the other evening that, on the Motion of my noble Friend, when he was dealing with this subject some Sessions ago, I said that the question ought to be dealt with by any Government to whom it appeared that the opportunity had presented itself of bringing legislation with respect to it to a successful issue. That opportunity has, in my opinion, arrived, and I hope we shall be successful. I must take this occasion of expressing my deep sense of gratitude to my noble Friend (the Duke of Argyll) for the large assistance he has given us; and I felt that if I could obtain his support, knowing the great interest he takes in this subject, and the great attention he has paid to it, we should have no great difficulty in passing through Parliament a measure which would strengthen the Church in Scotland. I propose to deal with all the Amendments that are on the Paper at once, as being a more convenient course than criticizing them in detail—because I think it would be for the convenience of your Lordships that if a division should be taken on one of these points, it should indicate the feeling of the House. With regard to the whole of these Amendments, I shall state as briefly as I can the view of the Government upon them. The noble Earl (the Earl of Camperdown), in proposing the Amendment, said that what you really want, in selecting a minister of the Church is, that the persons who take part in the selection or election of the minister are the persons who are most likely to be benefited by his ministry, and who are likely to be brought most frequently into contact with him, and whose interests would be identical with his and with the interests of the parish. The proposition that, in a large parish, where possibly the Established Church does not count among its adherents the majority of the ratepayers, you should give to the ratepayers of the parish the power to elect the minister, astonished me more than I can express; and, indeed, I did not think I could be more astonished till I heard the proposal of the noble Marquess (the Marquess of Huntley). But by way of healing all the heart-burnings and all the jealousies which, for the last 30 or 40 years, have disturbed the Church, that he should propose that the electing body should

be thrown sufficiently open so that they might elect a minister of the Free Church, is to me even more astonishing still.

THE MARQUESS OF HUNTLEY explained that his proposal only applied to cases where there were not more than 20 communicants.

THE DUKE OF RICHMOND : With regard to the question put to me by the noble Lord opposite (Lord Aberdare), I ought to mention that those points are under consideration ; but it will be difficult to meet the cases of some of the parishes in the North where the communicants are few in number. It will require some machinery to place these parishes on a satisfactory footing. With regard to the ratepayers, the noble Earl on the cross-benches (Earl Grey) would make out that they are the only proper body to elect ; but I could not see by what process of reasoning he made that out. The noble Earl objected to the Communion Roll, and said that the clergyman might exclude persons whose views did not coincide with his own, but he seemed to forget that, so far as the election of a minister is concerned, the interest of the clergyman is a posthumous interest, because the election of the clergyman will not arise till after the clergyman, who sought to exclude the elector, was dead and gone. The noble Duke (the Duke of Argyll) has completely disposed of that objection. Besides, I have too high an opinion of the clergy of Scotland to suppose that they would be guilty of so discreditable and so foolish an act—which might be described by a somewhat vulgar expression as “cooking” the Communion Roll. The ratepayers, therefore, I think, are not the proper persons to elect the minister, and I cannot accept the proposal of the noble Earl. As I said before, it seems to me that you want to have the interest of the parish identical with the persons who are to elect the minister. Moreover, there has been no real feeling in Scotland in favour of any such proposal as that of the noble Earl—at none of the meetings on this question has there been the smallest hint that the ratepayers were the proper persons to be entrusted with so important a duty. With respect to the proposal of my noble Friend (the Earl of Airlie) who spoke last, I am unable to accept his Amend-

ment. The views he has so ably expressed do not commend themselves to my mind as to what would be the best electoral body. I do not think the words he has suggested are sufficiently fenced off to warrant me in accepting his proposal. This brings me to the proposal of my noble Friend (the Duke of Argyll), who has very consistently advocated that the word “congregation” shall be inserted as well as “communicants.” I think there has been some misapprehension on this subject, as if my noble Friend had proposed to substitute “congregation” for “communicants ;” but the words of the Amendment are most distinct, for it says after “communicants” insert “and other members of the congregation.” I am not sure but that in some of the northern parishes the very addition of these words would remove some of the objections to the smallness of the number of the communicants. I have very carefully considered the question raised by the noble Duke since I had last the honour of addressing your Lordships on the subject. I have endeavoured to find words which will meet the difficulty raised by my noble Friend ; but I confess I have been unable to satisfy myself with any words in the sense in which the noble Duke seeks to amend the clause. Perhaps it would be better to retain the Bill in the form in which I introduced it ; but there is so much force in the reasons given by the noble Duke for inducing your Lordships to accept his Amendment, that I have, on the part of the Government, come to the conclusion to accept it. Before I sit down I will say a few words on the Amendment of the noble Lord opposite (Lord Napier and Ettrick).

LORD NAPIER AND ETTRICK : I have not moved it.

THE DUKE OF RICHMOND : I cannot anticipate what the noble Lord will say. He intends to propose that the heritors shall participate in the elections. Now, heritors are not necessarily members of the congregation. Therefore that point of the Bill that the congregation and the communicants are identical in interest with the minister is lost sight of entirely if you include the heritors, because you may include men who possibly were never in the parish. I shall resist all these Amendments, with the exception of that of the noble Duke ; but his Amendment I, without hesitation, accept,

The Duke of Richmond

In reply to EARL GRANVILLE,

THE DUKE OF RICHMOND said, he would be prepared to state on the Report how he proposed to deal with the small parishes.

EARL GRANVILLE observed that the noble Duke's Amendment on the 3rd clause proposed to add after "communicants" "and other members of the congregation." In the 9th clause he proposed to define "congregation."

THE DUKE OF ARGYLL said, the 9th clause was the Interpretation clause, and it might cause some alarm if the word "congregation" did not appear in the principal part of the Bill. In a mere question of grammar, some weight might be given to popular impressions. With regard to the question that had been asked as to the parishes where there was only a small number of communicants, this was one of the arguments that might be used against any Bill. Their Lordships would be grossly deceived if they supposed that in all cases the number of communicants was an index of the number of adherents of the Church. In some Highland parishes, where there prevailed as strong a feeling about communicating, amounting almost to as great a superstition as prevailed in the Early Church with regard to the Sacrament of Baptism, there would be found, perhaps, 25 communicants to 250 adherents; but the 25 were accepted as a committee of the congregation. Where the communicants fell below a certain number, he did not see why the Presbytery should not be resorted to.

THE EARL OF DALHOUSIE said, it appeared to be impossible to legislate upon the same principles for the Highlands and the Lowlands. He hoped all further Amendments would be printed before they were proposed.

THE EARL OF CAMPERDOWN said, he would not trouble the House to divide on his Amendment, but he would make this remark, that he was obliged to ask himself what was the object of this measure?

On Question? *Resolved in the negative.*

LORD NAPIER AND ETTRICK rose to propose the Amendment of which he had given Notice, that the words "and heritors" should be inserted after "communicants." He said it would not have been necessary to move this Amendment

if ratepaying parishioners had been accepted as the electing body, because heritors were ratepayers, though they might not be members of the congregation; but now he felt it necessary to propose the Amendment on its own merits. His first ground was that of precedent, the participation of heritors in the election of ministers having been incorporated in the Act of the Scotch Parliament of 1690, and one of the Articles of the Act of Union was that the constitution of the Church of Scotland should be held sacred. The heritors of Scotland had exercised the right of patronage with zeal and with solicitude for the good of the Church. They had surrendered that right for the welfare of the Church, and it was but a reasonable act of justice to such a body of men that they should participate in the way he proposed. It was also due to them on account of their pecuniary interests. The heritors were, in a manner the trustees and guardians of the ecclesiastical revenues of Scotland, and they supported the fabric of the church by a tax on their property; and, under these circumstances, he thought they had a right to participate in the election of the minister. Moreover, the heritors would form useful members of the constituency. When the lower orders in Scotland had to select their ministers, they were apt to look too much to one particular accomplishment, the faculty of preaching; they had fewer opportunities of judging the wisdom, the discretion, and other Christian qualities of the ministers than the heritors, who were men of wider experience and better knowledge of the world. Then, there were parishes in the north-west of Scotland where there would be no constituencies whatever under the Bill; but if this proposal were adopted there would be at least some electors, because there were heritors where there were no congregations and no communicants. He begged to move in page 2, line 2, after "communicants," to insert "and heritors."

On Question? *Resolved in the negative.*

THE DUKE OF ARGYLL moved to insert in page 2, line 2, after "communicants," to insert "and other members of the congregation."

Amendment agreed to.

THE MARQUESS OF HUNTLY moved in page 2, line 5, after ("election") to insert ("by ballot").

THE DUKE OF RICHMOND said, he was obliged to resist this proposal.

THE DUKE OF ARGYLL said, this was precisely one of those cases in which everyone ought to vote on his own responsibility, and to know how the others had voted.

Amendment (by leave of the Committee) *withdrawn*.

THE EARL OF CAMPERDOWN moved the omission of certain words which, in his opinion, would withdraw from the jurisdiction of the Court of Session all questions connected with the temporalities of the Church.

Amendment moved line 11, leave out from ("Provided always") down to ("thereof") in line 20, inclusive.

THE DUKE OF RICHMOND said, the words would not bear the interpretation put upon them by the noble Earl.

Amendment (by leave of the Committee) *withdrawn*.

Clause, as amended, *agreed to*.

Remaining clauses *agreed to*.

The Report of the Amendments to be received on *Monday* next; and Bill to be *printed* as amended. (No. 95.)

INDIAN COUNCILS BILL.—(No. 79.)

(*The Marquess of Salisbury.*)

COMMITTEE.

Order of the day for the House to be put into Committee read.

THE MARQUESS OF SALISBURY said, that as the subject he was about to bring before the House involved a somewhat important question of policy, and as it was inconvenient for him to make a statement on the subject at an earlier stage, he would venture now to detain their Lordships with a few observations. Many years ago the financial condition of India was very serious. Deficits multiplied every year—things grew worse and worse, and there seemed no hope of rescuing Indian finances from the persistent difficulties in which they had become involved. The plan was then adopted of appointing what might be called a special Cabinet Minister to look after the finances. Although no one could doubt that the Indian Civil Ser-

vice furnished many able and most competent men, it was yet found desirable in times of some difficulty to introduce such new blood as the English Government might be able to command, and to be free from the restrictions formerly imposed. The financial achievements of Mr. Wilson, Mr. Laing, and Sir Charles Trevelyan, appointed under the altered rule, were familiar to all who were acquainted with the recent history of India, and the result of the work that had been done was that the finances of that country were at present in a highly satisfactory condition. It was now proposed in the matter of Public Works to follow the precedent which had been set with regard to finances. Public works were a thing of comparatively recent development in India. Before the time of Lord Dalhousie there was no Department of Public Works at all. All such works were then done by the Military Department, and were in fact part of the military engineering. Since that time the Public Works Department had been created, and its duties had grown enormously. Twenty years ago there were only 21 miles of railway in India; now there were 6,000. Since the same time there had been spent on irrigation works between 8,000,000 and 9,000,000 of money—about £7,000,000 in Northern and £1,500,000 in Southern India. And the work which had to be performed by the Public Works Department was growing upon them day by day and increasing enormously in importance. Even before the recent famine there were irrigation works to the amount of 18,000,000 of money projected by the Government of India, and which the Public Works Department would have had to carry out: and now that the present calamity had taught them to look to irrigation to prevent ~~that~~ which might, otherwise, be a constant periodical charge upon the Indian revenue for the relief of famine, a number of other irrigation schemes had been prepared which would add largely to the work of the Department. An officer of whose ability it was impossible to speak too highly had submitted to the Viceroy a scheme which it was expected would have the effect in the future of averting famines in the North of India. He calculated that the cost of carrying it out would be about £14,000,000—and it was obvious that even that large amount

ould be well spent if by that means y could avoid the present necessity of nding £6,000,000 or £8,000,000 every years. These were the prospects with pect to irrigation which the Public rks Department had before it. In nexion with railways, also, the unt of work was very heavy. The 00 miles of railway constructed hin the last 20 years had, no bt, been made under the superin- dence of the Government of India, the actual work had been done Companies, who had invested their ey under the guarantee of the Go- nment. That system was now at end. It had been found to be ncially a wasteful system, and in re all the railways would be made the Government of India itself. Lord yo, who was competent to form a just gment in the matter, calculated that, addition to the 6,000 miles of rail- ys already constructed, it was neces- y to make 9,000 more, in order to nish India fully with railways, and those 9,000 only 3,000 had as yet n laid out. It was hoped that by use of the narrow gauge the expen- re would be about £4,000 a mile, l if that anticipation—which was a y sanguine one—should prove cor- t, it was calculated that £16,000,000 of a total proposed expenditure of 6,000,000 would be spent within the t four or five years. That was in itself eavy financial undertaking, and the of the guaranteed Companies, which l in past times been exceedingly use- , had passed away for ever. The rks had been ascertained to be re- nerative, but not to the extent sup- ed. Some 10 years ago there was a ppy superstition prevailing that one ght make a railway or an irrigation ck anywhere in India, and it was cer- a to be remunerative. That notion l been entirely dispelled by the stern ic of facts; the railways—even the t of them—barely paid the interest the money expended on them; and in ard to those that were to be con- cted in the future, they must look for uneration to the increased commerce l revived industry which they would se. He doubted if in any one case— tainly if in many cases—they would ay the interest of the money which l to be raised in order to make them. therefore, became of extreme import-

ance that the utmost skill and vigilance should be exercised in the construction of them, in order that the burden on the revenues of India might be made as light as possible. The irrigation works were much in the same condition. They had been misled by calculating that future works would make the same re- turn as those already in work, forgetting that in respect of them they had merely taken over work that had been com- menced by their Mahomedan predeces- sors. He might illustrate his argument by a reference to the Jumna Canal—an old Mahomedan work in the North-Western Provinces—and the Punjab Eastern Jumna Canal, in which cases it would be found that the returns were more than the interest of the money which had been raised to construct the work; whereas other similar works in the same provinces constructed exclusively under the British rule, did not yield suffi- cient to pay the interest upon them. He mentioned these details in order to show that irrigation works in India, like the railways, were not the easy and certain matters they were some 10 years ago thought to be, and that it required the utmost vigilance and the most careful organization to secure that those works should not be a permanent burden on the already heavily-weighted revenues of India. It might be asked, whether it was that the Public Works Department had not done its business well? He was willing to admit that that Department had shown great energy and public spirit. Finance was, how- ever, not its strong point. He had laid upon the Table of the House certain Re- turns showing the relations between the original estimates of the Department and the actual expenditure for the last three years, and it would be seen that there were no fewer than 300 cases in which the expenditure had very largely exceeded the estimate; the sum total of the whole matter being that, whereas the original estimate was £4,100,000, the actual expenditure was £6,700,000. In stating that fact, he was not seeking to throw blame on indivi- duals—the weakness must rather be taken to lie in the system; and it was to remedy the state of things of which he spoke that he proposed to make an alteration in the constitution of the Council of the Governor General of India by appointing to it a Member of Council

for Public Works, who would be appointed by the Crown. This Member of Council would give his especial attention to these matters, and having the complete superintendence and control, would feel that the making or marring of his reputation would depend upon the manner in which he discharged his duties. The Viceroy himself, he was bound to say, was very much adverse to having the number of his Council increased, and although he did not agree with him on the point, he thought it well that power should be given which would enable the number to be kept down to its present level. Of course, the exact mode in which the proposed alteration should be carried into effect could not be decided until after further consideration, and the Bill was therefore in a permissive form; but he was satisfied it would have the effect of promoting that efficiency in a great public department which here the stimulus of an active public opinion tended to produce.

Moved, "That the House do now resolve itself into a Committee upon the said Bill."

LORD NAPIER AND ETTRICK wished to know whether the noble Marquess had consulted with respect to the Bill the Council over which he himself presided?

THE MARQUESS OF SALISBURY said, he had had no formal consultation with the Members of his Council on the subject.

THE EARL OF KIMBERLEY asked whether the Viceroy had expressed an opinion adverse to the change?

THE MARQUESS OF SALISBURY was understood to say that he had not completed his communications with the noble Lord on the subject.

THE EARL OF KIMBERLEY said, it would have been a great recommendation of the measure, if the noble Marquess had been able to state that the Bill came before their Lordships with the approval of the Indian Government.

Motion agreed to: House in Committee accordingly.

Clause 1, (Number of ordinary Members of Governor General's Council may be increased.)

The Marquess of Salisbury

LORD NAPIER AND ETTRICK desired to make a very few observations. He gave every credit to the noble Marquess for his great abilities and the assiduous attention with which he devoted them to the interests of India; but he certainly thought the present measure would have come before the House with a still higher recommendation than it did had his personal opinion been assisted by those associated with him in the government of India. He thought the measure one of very doubtful expediency. It contemplated the institution of two new functionaries in India; one was a special officer charged with the responsibility of Public Works in India, who, he thought, would have no special effect in diminishing expenditure or controlling the application of the revenues of India to public works. It was quite true that the expenditure on many of those works had exceeded the Estimates, but that was not unknown in this country in the case of public works; and taking the peculiar conditions under which such works had to be executed in India, and the difficulties which had to be encountered, he doubted whether, under the circumstances, the works could have been better or cheaper done. The other proposal was the transfer of a Member of the Council of the Governor General to one of the subordinate Provinces, who, he thought, would, as a sort of Inspector or spy on the proceedings of the subordinate authorities, inspire jealousy and prove absolutely pernicious. He submitted the Bill ought for the present to be withdrawn.

Bill reported, without Amendment and to be read 3^d on Thursday next.

PUBLIC WORSHIP REGULATION BILL (No. 30-62.)

(*The Lord Archbishop of Canterbury.*)

COMMITTEE ON RE-COMMITMENT.

House again in Committee on Re-Commitment.

EARL NELSON, referring to the insertion of the words "security for costs having been given," in Clause 8—a new clause agreed to on the Motion of the Earl of Shaftesbury—said, he intended that the security to be given should be not less than £100; his object being to secure that the appeal should be *bona fide*.

ARCHBISHOP OF CANTERBURY the clause could be amended on bringing up of the Report.

EARL OF SHAFTESBURY after Clause 16, to insert—

proceedings under this Act, the bishop may, if he deem it right, order the to give security for costs in such an as he may deem expedient; and until rity be given the proceedings shall be

proceedings under this Act, the costs be the final judgment, except otherwise by the court which pronounces judgment such costs shall be taxed and levied as prescribed.

appear that any plaintiff has made any as or frivolous claim or complaint, or defendant has set up any groundless defence, the court may order such or defendant to pay, as between attorney, the whole or any part of the asioned by making such groundless or claim or complaint, or setting up such as or frivolous defence (as the case may such costs shall be taxed in the mode d.")

on (by leave of the Committee) wn.

se 17 (Monition to be in force; an appeal unless the bishop or appeal shall otherwise order).

MARQUESS OF BATH proposed to be words—"of the Court of Appeal the Province."

some discussion, of the course of proceeding in enforcing decrees by rts of Law, of a very technical er—

se struck out.

se 18 (Return by incumbent).

MARQUESS OF BATH said, the required the incumbent to make to the Bishop, stating whether duly complied with the terms of ition, and if so, in what manner. uld not but be highly mortifying ncumbent; and he should pro- at the return should be made to ge. This would be quite as ef- and would spare the incumbents radation of writing.

ARCHBISHOP OF CANTERBURY might not have occurred to the larquess that the requirement of urn to be made to the Judge, in- the Bishop might have sharper ences to the incumbent.

short conversation, clause struck

se 19 (Inhibition of incumbent) o, with Amendments.

Clause 20 (Cathedrals).

THE ARCHBISHOP OF CANTERBURY proposed to postpone the consideration of this clause—directing that when the church in reference to which a representation is made is a cathedral church the representation shall be made by the dean, precentor, chancellor, or treasurer of such church, or by one of the canons residentiary, prebendaries or honorary canon—until the Report, when he would bring it up in an amended form.

EARL BEAUCHAMP objected to any such course being pursued. The Forms of the House afforded every opportunity for the minutest criticism of the clause in Committee, and he did not see what object was to be gained by deferring the consideration of the question until the Report. The Bishops were claiming a jurisdiction over the cathedrals which had not been practically exercised for the last 200 years.

THE ARCHBISHOP OF CANTERBURY said, it had been suggested that it had not been customary to require a faculty for the alteration of buildings in cathedrals, but that the original Bill would make those faculties absolutely requisite in regard to cathedrals. He had therefore promised to introduce a provision that would modify that objection. There was, however, a great deal more to be said now for retaining cathedrals in the Bill since it had been amended by the proposals of the noble Earl (the Earl of Shaftesbury), and the objections which were made to the Bishops exercising their authority over cathedrals did not apply to the Judge. He wished the clause to be struck out now with a view to bringing it up in another shape on the Report—especially as he had given Notice of his intention to move an Amendment with respect to faculties.

EARL BEAUCHAMP objected to the proposed method of proceeding very much as a matter of principle. That Bill required very minute verbal sifting, a process which could not be satisfactorily applied to it by putting off that question till the Report.

THE DUKE OF RICHMOND observed that the course proposed to be taken by the most rev. Primate was not at all unusual; and he thought it not quite convenient to deal with that clause on the present occasion. The Forms of the House required them to negative the

clause and when, at the next stage, the contemplated new Clause was proposed no doubt it would receive that minute verbal sifting of which his noble Friend had spoken.

EARL GRANVILLE recommended the postponement of the clause.

THE MARQUESS OF BATH thought it was the practice not to defer a clause till the Report except where the Committee had decided on the substance of the Amendment which it was intended at the next stage to make in it. ("No!") If the Bishop was not to have any more authority over the cathedral than he possessed at present, there might be no difficulty in assenting to omit the clause now and allow another one to be brought up on the Report.

After some further conversation,

Clause *struck out*.

Clause 21 (Faculty not necessary in certain cases).

The Clause provides that it shall not be necessary to obtain a faculty from the ordinary in order lawfully to obey any monition issued under this Act, and that if the Bishop shall direct in any monition that a faculty shall be applied for, such fees only shall be paid for it as may be directed by the rules and orders.

THE MARQUESS OF SALISBURY moved to add a proviso—

"That a faculty shall, on application, be granted gratuitously in respect of any ornaments or furniture, not being contrary to law, existing in any church at the time of the passing of this Act."

Sometimes the taking out of these faculties cost as much as £5.

LORD SELBORNE thought the proposal a reasonable one.

Proviso *agreed to*.

Clause *agreed to*, with the Amendment.

Clause 22 (Service of Notices) *agreed to*.

THE ARCHBISHOP OF YORK moved, after Clause 22, to insert a new Clause:—
(Substitute for Bishop in case of illness).

"If any bishop shall be unable from illness to discharge any of the duties imposed upon him by this Act in regard to any representation, the archbishop of the province shall act in the place of such bishop in all matters thereafter arising in relation to such representation, and if any archbishop shall be unable from illness to discharge any of the duties imposed upon him by this Act in regard to any representation, Her Majesty may, by her sign manual, appoint an

archbishop or bishop to act in the place of such archbishop in all matters thereafter arising in relation to such representation."

After a few words from EARL NELSON and LORD SELBORNE,

Clause *agreed to* and *added to* the Bill.

Clause 23 (Limitation of proceedings against incumbent).

THE MARQUESS OF SALISBURY moved that the Chairman report Progress, which was *agreed to*.

House to be again in Committee (on Recommitment) on *Monday next*; and Bill to be *printed* as amended. No. 96.

House adjourned at Twelve o'clock,
to Thursday next, half-past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 9th June, 1874.

MINUTES.]—PUBLIC BILL—*Withdrawn*—
Monastic and Conventual Institutions* [38].

INLAND REVENUE (IRELAND)— MIXING SPIRITS.—QUESTION.

MR. O'SULLIVAN asked Mr. Chancellor of the Exchequer, If it is a fact that spirits imported from other countries into Ireland are allowed to be mixed with Irish whiskey in Her Majesty's Custom House, under the sanction of the Custom House Officers; and, if so, whether Her Majesty's Government, with a view of doing justice to the manufacturers and consumers of pure whiskey, will take such measures as may be necessary to prevent the continuance of such a system of trade?

THE CHANCELLOR OF THE EXCHEQUER: It is illegal to mix spirits imported from foreign countries into Ireland with Irish whiskey in bond; but it is legal to mix spirits imported from one part of the United Kingdom into the other, and therefore spirits imported from England and Scotland into Ireland are occasionally mixed in bond. There is no desire on the part of the officers of the Revenue that that practice should continue, and as far as they are concerned, they will be willing that every cask of spirits should be taken out of bond exactly as it was put in bond; but it would be a great inconvenience to the

The Duke of Richmond

if a rule to that effect were enforced, and there was therefore no intention to discontinue, or to prohibit the present practice; when the spirits were so mixed, it was taken that the name of stiller should be erased, and on each was impressed the word "d" or "blended," to show that it was not pure.

O'SULLIVAN gave Notice that he would bring forward a Motion on the

SERVICE SUPERANNUATION— THE ORDNANCE SURVEY.

QUESTION.

MONSIEUR asked the First Commissioner of Works, Whether his answer in connection regarding a Memorial received from Civil Servants employed in the Ordnance Survey, in which it was stated that these Civil Servants were regarded as permanent officers, had reference to the superannuation now allowed to them?

HENRY LENNOX, in reply, stated that if any such misapprehension existed as that which was referred to, he was obliged to his hon. Friend for giving him an opportunity of clearing it up. The Answer which he gave on the 10th May did not refer to superannuation. On the contrary, the Civil Servants employed in the Ordnance Survey had qualified themselves by examination before the Civil Service Commissioners, and would undoubtedly be entitled to superannuation hereafter.

ESTABLISHED CHURCH (SCOTLAND) (COMMUNICANTS).

QUESTIONS. RETURNS.

BAXTER asked the Lord Advocate, before inviting this House to take action on the subject of patronage in the Church of Scotland, the Government to lay before it Returns showing the number in each parish of the male communicants or other body on whom it was proposed to confer the right of electing a minister?

LORD ADVOCATE: The Government does not consider that the question now asked is of such importance as would have led them to move themselves. Even if the Returns

be granted, there may be some delay in procuring the information, as the course of post and return to some of the more remote parishes in Scotland is very slow; and, allowing for absences of ministers and other causes of delay, complete Returns could not be expected within a short period. The Government will not delay the progress of the measure until such Returns can be procured. If, notwithstanding these circumstances, a Return of the present number of communicants in all the parishes of Scotland is still desired, the Government will grant it, and will use every means to procure the information expeditiously. If granted, it must apply to the whole of Scotland. The Return must also be of the present number of communicants. Owing to the manner in which the rolls are kept in many parishes, it would be difficult to give now reliable statements of the number who had communicated on each occasion in the last seven years.

MR. BAXTER gave Notice that he should move for the full Return.

MR. HORSMAN said that, as the Lord Advocate would be aware, in the other Churches in Scotland—the Free Church and the United Presbyterian Church—the ministers were elected by the communicants, as proposed in the Government Bill. He thought, therefore, it would be desirable, and he asked the Lord Advocate if he was willing, to put himself into communication with the Moderators or other authorities of those Churches, asking them, as a matter of courtesy, to give a similar return as regarded their Churches as was asked for in the case of the Established Church. He would ask these Churches to give a Return of the whole congregations, and what was the proportion of what was called hearers to the communicants.

THE LORD ADVOCATE said, in reference to the hearers, he regretted that the last Census, which was to have embraced information on these points, did not do so in consequence of communications made by those representing the Nonconformists. The Government of the day did not therefore press for it; and he feared it was impossible to obtain reliable information at present. He felt he could not ask Returns from Churches which were not connected with the Establishment. Under these circumstances, he was not in a position to give any promise on the subject.

MR. ELLICE said, he presumed there was no objection to his Return, which he would move as follows—

“Address for Return, with regard to the Established Church of Scotland, giving, in separate columns, the number of male and the number of female Communicants on the Roll in each parish of the several counties of Argyll, Inverness, Ross, Caithness, and Sutherland, in each year, from 1867 to 1873 inclusive.”

Motion agreed to.

INTERMEDIATE EDUCATION (IRELAND).—RESOLUTION.

MR. O'SHAUGHNESSY, in rising to call attention to the state of intermediate Education in Ireland, and to move—

“That the present state of intermediate education in Ireland is unsatisfactory and requires the immediate and serious consideration of Her Majesty's Government,”

said, he brought the subject forward with the intention of asking the Government to provide a remedy for a state of things which threatened danger in Ireland. A Royal Commission which sat in 1858 reported on this subject. Their Report stated that there were a number of schools called Royal Grammar Schools, founded by James I., and intended to be free schools, but which made those who resorted to them pay for it. The endowments amounted to about £7,000 a-year. Then there were the endowments known as Erasmus Smith's Grammar Schools, and also the schools of the Incorporated Schools. That society was founded in 1733, and one of the objects assigned for it in its charter was the promotion of the Protestant religion. It had received large endowments. Then he came to the endowed schools, called the diocesan schools, of which there was to be one in every bishopric, though there were many bishoprics without them, while in some they were merely nominal. Then there were the schools of the Irish Society, and the national companies of education reported in 1858 that of the income of the Society, about £12,000 was applicable to school and educational purposes. The endowments for educational purposes in Ireland amounted to £38,000 or £40,000; notwithstanding which fact there were 91 towns in Ireland, having a population of over 2,000 each, which had no grammar or superior English school. These were principally denominational schools.

The Protestant clergy generally had the management of them, and though there was no objection to the reception of Catholic students, very few Catholics attended them, nor was it desirable that the two classes should be mixed. He came now to the non-endowed schools, to which a large portion of the Irish middle classes paid. Most of these were in the hands of the Roman Catholic clergy, members of religious orders, or secular priests. The resident pupils in these schools numbered about 2,500, and the schools themselves were about 50. The teaching in those schools was undertaken chiefly by Roman Catholic priests, who gave their services gratuitously. There were also some non-endowed schools, for which there was a moderate pension charged of from £25 to £40 a-year. Notwithstanding the moderate amount of the pensions, they were beyond the reach of many members of the middle classes, whose children were sent to a day school if it was desired that they should have more than an ordinary middle-class education. Then there were the model schools attached to the National Board, at which the same subjects were taught as at the national schools, but in a more advanced manner. Some of the non-endowed schools were in the hands of Roman Catholic clergymen or laymen, and others in the hands of Protestant clergymen or laymen, and it was upon these that middle-class children depended for their education. There was, unfortunately, a great unanimity on the subject of intermediate education in Ireland, and that opinion had been forcibly set forth in a document signed by many eminent clergymen and laymen, both Catholic and Protestant. That document stated that no measure of educational reform that did not deal with intermediate education would be satisfactory. University education, it was said, produced little effect, unless there was a suitable preparatory education, the means for which did not exist in Ireland—certainly not in the southern provinces. There was no University in Ireland which discharged towards the intermediate schools the duty which the Universities of England, France, and Germany discharged towards the intermediate schools in those countries—that of raising their standard of education and compelling them to give their attention to more advanced

studies. Commercial education in Ireland had been deteriorating every day, such deterioration affecting the commercial classes not only commercially but also socially. So with regard to other middle classes. An admirable system of elementary education for the lower classes existed in Ireland, and although it had not reached the whole of the population, those classes who had made it available had derived great advantage from it, and the power of the people had become greater contemporaneously with the development of their minds. What was the position of the middle classes in Ireland? Of late years they had not shown the activity that was to be desired and was necessary to give complexion to the time in which they lived. Their capacity to do so had not become less, but it had not increased, and whatever the future of Ireland might be, it would be an evil day if one of the classes of the people lost their power. They had not in Ireland the same machinery which existed in England for preserving the balance of classes. The upper classes, owing to the events of past centuries and for reasons peculiar to Ireland, did not work with the lower classes as harmoniously as they did in this country. Consequently the duty of guiding and moderating the feelings of the people was thrown upon the middle classes. The present state of the country showed that the greatest intelligence on the part of the middle classes was necessary to enable them to discharge this duty well, and the best method of fitting them for this work was to give them a sound, liberal education. It was difficult to suggest a remedy for the present state of things. If he were to ask for Irish Catholics the equality to which they were entitled, and which they would yet enjoy—if he were to ask for a re-distribution of endowments or a grant of fresh endowments—questions would arise which it would take years to settle, and Ireland could not afford to wait for years. He would not ask for a Capitation Grant payable to the masters in proportion to the success of their students, because though that might be very desirable, he could not conceal from himself the fact that it would involve an expenditure to which the House might be unwilling to consent, and it would be argued that it would be for denominational education,

whether that was so or not; but he thought that a system of exhibitions might be established which would go far to remedy the evils which now existed. Prizes of £50 or £60 a-year, to be held for one or two years, might be offered to all the unendowed schools in Ireland, whether Protestant or Roman Catholic, and smaller sums given in the way of prizes to other schools to be competed for by their own scholars. A distinct set of prizes ought to be given to particular classes, for the higher classics, for natural history, and for commercial—that is, for a thoroughly good English—education. The classification which would be necessary need not lead to the abandonment of general learning to which the earlier school years might be devoted. With regard to the body to administer the funds, an unpaid Board might be intrusted with that duty, or the Board which now administered the affairs of the Royal schools might with the introduction of a representative element be made available for the purpose; and the three Universities and other learned bodies would supply the Board of Examiners, as Oxford and Cambridge did in the case of the middle class schools in this country. He believed that to carry out this suggestion would involve an expenditure of not more than £4,000 or £5,000 a-year; and if he were asked where the funds were to come from he would say he thought the Queen's University might for the attainment of such an object give up some of its present grant, and he believed from what he knew of that institution that Trinity College would require very little pressure to give some of its income towards the education of the mass of the people. Then there remained the surplus funds of the Irish Church, which yielded under the late system about £2,000 a-year, raised from the income of the Protestant clergy for the support of diocesan schools. But the need was so pressing, and the evils so clearly traceable to past legislation, that he could hardly fancy Her Majesty's Government would refuse this small grant from Imperial funds if it were necessary to resort to the national purse. The State had built and endowed practically denominational schools, and the Catholics of Ireland had done their duty in building schools which were not endowed. He did not mean to say that

the plan he suggested was the right one, or that another could not be found of a better description; but he had suggested one because he knew that those who in that House pointed out the need of reform were bound to show that reform was practicable. The hon. Gentleman concluded by moving his Resolution.

MR. MACCARTHY said, he had great pleasure in seconding the Motion of his hon. Friend the Member for Limerick. The present system of education in Ireland practically excluded the children of the middle classes from all intermediary schools, because all of them were conducted on principles purely Protestant, and from the Colleges, because the University of Dublin was carried on on the same principle, and the Queen's Colleges set aside exclusively for secular education. The Catholic youth of Ireland had no intermediate schools, no College schools, no prizes, or lecture halls, no University honours; while their Protestant countrymen had the advantage of all, and those who chose to go to the Queen's University for a purely secular education, enjoyed the same benefits. The Catholics maintained that something ought to be done for their own children, and that the State ought, at any rate, to assist towards the education of the majority, as they contributed towards the education of the minority. It might be said, why do not Roman Catholic parents send their sons to the University of Dublin or the Queen's University? But the universal answer given by them was—"No; they would follow the same course adopted by their forefathers before them, and have nothing to do with schools where the faith of their children was endangered." He admitted that the remedy suggested by the Motion of his hon. Friend was only partial; but it was brought forward in the right spirit, and he trusted the Government would give it their careful consideration.

Motion made, and Question proposed,

"That the present state of intermediate education in Ireland is unsatisfactory, and requires the immediate and serious consideration of Her Majesty's Government."—(Mr. O'Shaughnessy.)

MR. MITCHELL HENRY vindicated his hon. Friend's proposal as one which did not raise the question of religious education. Many valuable prizes

existed in Protestant schools, founded by the State or by private benefactors, for which there was hardly any competition, and in the present state of public opinion it was unreasonable to expect that these endowments would be shared by a religion which was not fashionable in this country. He admitted that Roman Catholics laboured under cruel disadvantages, both in the higher and intermediate classes of education; but he thought that the hon. Member for Mallow (Mr. MacCarthy) would have done better if he had not introduced that question into the debate. They were now debating the question of offering prizes to be competed for by the youth of Ireland who were without the means of obtaining a good middle-class education, quite irrespective of creed or party. He presumed that when the affairs of the Disestablished Church in Ireland were wound up there would be a great deal of money to be scrambled for, and perhaps squandered in many ways; but intermediate education in Ireland could not wait till that time. The real aim of those with whom he acted was to civilize the Empire and render it compact. They did not wish to grasp at Imperial funds to carry out that object; there were funds in existence in Ireland which might be made available for encouraging culture among the middle classes. He hoped that by heartily promoting that object the Government would enable them to rejoice at the advent to power of a Ministry who would have shown themselves disposed to take a practical view of the interests of Ireland.

SIR MICHAEL HICKS-BEACH said, he was very much inclined to think that it would have been better if that question had been left where it was left by the moderate and sensible speech of the hon. Member for Limerick (Mr. O'Shaughnessy), and had been kept free from elements of religious difference. No doubt the hon. Member for Mallow (Mr. MacCarthy) felt strongly on that subject; but he had, at the least, exaggerated the grievances under which the Roman Catholics of Ireland laboured. He did not wish now to enter into the question of University education in Ireland, but Roman Catholic students were on an equality with others in respect to University endowments, for the policy of Parliament lately had been to throw open Trinity College, Dublin, to all reli-

Mr. O'Shaughnessy

gions. But with regard to endowed schools for intermediate education, which had been admitted by the hon. Member for Limerick to belong exclusively to other denominations, there was at present no inconsiderable number of Roman Catholic scholars attending them. With respect, however, to the whole question before the House, it was well that they had had no exaggerated statement of the income arising from the present endowments or of the use which might be made of them in the establishment of a general system of intermediate education. The income belonging to grammar schools, and which, therefore, might properly be devoted to intermediate education was very small—the whole amount, including the annual value of buildings and residences, being, he believed, not more than £13,000 a year. Of that sum a very considerable portion, if not all, was the property of exclusively denominational foundations. Therefore, no one who looked at the question with the idea of establishing a more general and thorough system of intermediate education for Ireland would think that could be done from the existing endowments for that purpose. He did not say that those endowments could not be further utilized. Bearing always in mind, as they were bound to do, the intentions of the founders and the denominations to which those endowments respectively belonged, he thought much might be done to utilize those endowments more for the members of those particular religions. This was a question which had been from time to time considered by Royal Commissions and other bodies; but, as yet, none of their recommendations had been carried out. The Commissioners in 1858 made several most important recommendations as to the greater utilization of educational endowments. They recommended a better system of appointment and promotion of masters, also a system of inspection and a better audit and an improved mode of keeping accounts. Again, annual Reports from the present Commissioners of Education to whom were intrusted the control and management of some of those endowed schools, had been laid before Parliament. In 1870 those Commissioners, among whom were Chief Justice Whiteside and the Bishop of Meath, recommended various alterations as to the power of appointing and re-

moving masters and teachers, except in cases of private patronage; the appointment and payment of inspectors; the opening of University exhibitions which were now confined to certain schools; a power to apply the funds of all public schools for exhibitions in connection with any school they might think fit; and the power of removing public endowed schools from one locality to another, and of aiding the poor endowments from the rich. He did not wish to express any opinion as to those recommendations, some of which might give rise to considerable opposition; but it was strange that, though they were made in 1870, and had since been repeated annually, nothing had yet been done in consequence of them. He now turned to the non-endowed schools where intermediate education was given. The hon. Member for Limerick had hardly fairly stated the advantage which those schools were to the people of Ireland, the Roman Catholics deriving from them the chief benefit. He had scarcely given sufficient weight to the system of Model Schools which had been adopted by the Commissioners of National Education. Those schools, for reasons into which he would not enter, might not have commanded the general confidence and support of the Roman Catholics; but they showed a very considerable attendance, and they effected a very great amount of good. He was told that the annual cost of Roman Catholic intermediate non-endowed schools was as much as £88,000, and the number of pupils 5,000, half of whom were boarders; while the Model Schools, giving a thoroughly efficient education, had an attendance of 8,700 daily pupils, and cost only £32,400 a year to the country. Therefore, considering the number of pupils educated and the small cost of them to the country, he thought the hon. Member had unduly depreciated the influence of the Model Schools of the National Board on the system of intermediate education. Without expressing any definite opinion either on his own behalf or that of the Government, he would state his belief that an urgent want existed of some improvement in intermediate education in Ireland. This was the conclusion arrived at by Lord Powis's Commission in 1870, and of all who had given any attention to the subject. The difficulty was not to admit that there was a deficiency, but to

devise a proper and satisfactory remedy for it. Parliament had decided in favour of an undenominational system, both for elementary and University education in Ireland. There was a great deal to be said in favour of that decision, seeing that elementary education dealt with day pupils and University education with those who might be supposed old enough to obtain their religious instruction elsewhere. The question of intermediate education, on the other hand, could hardly be considered as satisfactorily settled by the provision of day schools only. They could not multiply them to such an extent in a sparsely populated country like Ireland as to place them within easy reach of the pupils. Wherever they were placed they would, as a matter of necessity, have to be at a distance from many of those for whose education they were intended, and if they were made boarding schools he did not see how they could be satisfactorily conducted without being denominational. Now, regard being had to the general policy of the Legislature, was it likely that Parliament would establish a purely denominational system of education in Ireland? But, could not the difficulty be fairly met in some other way? The hon. Member for Limerick proposed the foundation of a system of scholarships, gained by competitive examinations, and secured by subsequent examination by Professors, and which might be held at any College or school selected by parents for their sons. A scheme of this kind would require great consideration before it could be satisfactorily worked out. All he could say was that the matter should receive the most careful attention from the Government, and meanwhile he would ask the hon. Member not to press them to come to any immediate decision. The subject of intermediate education was of the greatest importance to Ireland. It had occupied the attention of more than one Royal Commission, and especially of the Commission of 1858; and seeing that, although it had led to so much inquiry, nothing had been done, it might be naturally concluded that it was one of the most difficult subjects that could occupy the attention of those who were responsible for the administration of Irish affairs. No doubt, Irish Members were bound to bring before the House everything that interested their country.

Sir Michael Hicks-Beach

They were doing so now; but when he remembered that no proposal on the question had been made by the late Government during their five years' tenure of office, he did not doubt that some little delay would be granted to the present Government. The matter, as he had said, would have his early and attentive consideration, and that of the Government, and he trusted that he should be able to devise a plan which would remedy the evils complained of, and insure for Ireland a better system of intermediate education.

MR. FAWCETT said, that the House might assume, after the speech of the Chief Secretary for Ireland, that the Government recognized the great importance, magnitude, and difficulty of this subject, and as the right hon. Gentleman had promised that it should engage his immediate attention he would advise hon. Members connected with Ireland to be satisfied with this assurance. There were two questions connected with the matter. There were the existing endowments, and they had to consider whether they could be made more efficient for the advancement of education; and then they had to consider whether those endowments were sufficient. If it should appear that they ought to be supplemented, the question would arise, from what source the money ought to come. His own belief was that Ireland was most inadequately provided with endowments for intermediate education, such provision being far inferior to that available for elementary and University education. It was not possible to have a more striking proof of her wants in this respect than was provided by the state of the Queen's Colleges. Considering all the difficulties those Colleges had had to contend with, he thought they had been a great success; but among their many difficulties the one which he should place in the front rank was this—that in consequence of the great want of intermediate schools in Ireland, the Queen's Colleges had to give instruction to mere lads who ought to be educated at the intermediate schools. In regard to the existing endowments, it seemed to him there was no reason why they should not be made more generally available for the benefit of the Irish people. Certainly, at any rate, the recommendations of the Royal Commission of 1858 with respect to en-

clowed schools ought to be carried out—he regretted that they had so long remained a dead letter. The hon. Member for Lime-
rick (Mr. O'Shaughnessy) had recom-
mended that a small sum—£5,000 a year
—should be taken from the Imperial Ex-
chequer and given away in prizes and ex-
hibitions; but he (Mr. Fawcett) did not
like this system of perpetual drafts upon
the Imperial Exchequer. The amount was
small, but the principle was dangerous
and inexpedient, and no sum ought to
be voted for such a purpose until the
House was assured that every other
source of supply had been exhausted.
The Chief Secretary for Ireland—no
doubt restrained by Ministerial pru-
dence—had not hinted at the source of
supply which he (Mr. Fawcett) thought
it was important for the House to con-
sider. The Prime Minister had recently
stated that the surplus funds of the Irish
Church would not be available for 17
years, and that then the State would
come in for an annuity of £240,000.
Why should they wait 17 years to utilize
that surplus for educational purposes?
Surely it would not be a very difficult
actuarial operation to calculate its pre-
sent actual value, and apply the funds
based on that calculation to the purposes
of intermediate education. It seemed
that nothing could be more unfortunate
than the way in which the late Govern-
ment appropriated the surplus funds of
the Irish Establishment. One part was
to be appropriated to charities and lun-
atic asylums, another for the reduction
of the county cess, which was, in fact,
putting money into the pockets of the
landlords. It might be by a roundabout
process, but that was where it would
find its way. Now, however, when it
was calculated upon good grounds that
there was this large sum to dispose of,
he hoped the Chief Secretary for Ireland
would seriously consider how a portion
at least could be apportioned to inter-
mediate education in Ireland. Person-
ally, he felt certain that a scheme might
be framed for that purpose which would
be satisfactory to the Irish people as a
whole, and which would serve to bring
the educational institutions of Ireland
into accord with those of this country.
He would be glad to see some such plan
as that applied to endowed schools in
England introduced into Ireland. It
would be one proof to those who asked
for Home Rule that an Imperial Parli-

ment could legislate apart from partial
or local influence, and would be the best
answer to allegations to the contrary—
namely, that they were as anxious as the
people of Ireland themselves to support
any measures which would promote the
educational progress of Irishmen in the
intermediate, and, consequently, higher
schools.

MR. O'SHAUGHNESSY said, the ob-
ject he had in view had been attained
by the discussion which had taken place,
and he therefore begged to withdraw
the Motion.

Motion, by leave, *withdrawn*.

NATIONAL SCHOOL TEACHERS (IRE- LAND).—RESOLUTION.

MR. MELDON rose, pursuant to
Notice, to move—

“That, in the opinion of this House, the pre-
sent position of the National School Teachers of
Ireland, and the discontent which prevails
amongst that important body of public servants,
call for the early attention of Her Majesty's Go-
vernment, with a view to a satisfactory adjust-
ment of their claims.”

The hon. Member said, it was now
40 years since the national school sys-
tem was introduced into Ireland, and
during the whole of that period there
had been complaints that the posi-
tion of the teachers was unsatisfactory.
Occasionally, attempts had been made to
improve it; but these attempts had so
far failed that if something was not done
speedily the whole system must fall to
ruin for the want of properly trained and
educated teachers. His Motion em-
braced two points—first, that the posi-
tion of the Irish national school teachers
was unsatisfactory; and, second, that
the Government were bound to bring
forward a remedy. With respect to the
first point it was not necessary for him
to say more than that ever since 1861,
when the system commanded the respect
and had the co-operation of the Roman
Catholics, the highest salaries paid to
teachers in first-class schools was £52 a-
year, while the average in second and
third-class schools might be taken at
£37 a-year. One of the greatest griev-
ances experienced by the teachers was
the want of residences, because there
was only about 14 per cent of the whole
body who had residences provided for
them. In many places in Ireland it
was impossible to obtain residences

near the schools, and the teachers, both male and female, had to walk miles in the morning to get to the schools, and the same distance back at night, often in the midst of drenching rain, to perform their duties. With the rise in prices of all kinds it was impossible for the teachers to live upon such salaries. The system itself might be said to have been successful, perhaps in consequence of the self-sacrifice of those by whom it had been carried out. From the first Report of the Commissioners in 1833 it appeared there were then 104,900 children attending the schools, which numbered 709, whereas there were now 924,699 children attending the schools, which numbered 7,160. Besides this the national system had been largely supplemented by voluntary efforts, so that there were now in existence 1,353 vested and 4,294 non-vested schools. These facts showed that the Irish people were anxious to work with the Government in carrying out education in Ireland. In the next place he contended that the school teachers in Ireland were as much the servants of the Crown as any other servants in the Civil Service, and that they, therefore, had a right to apply to Government and to that House for a redress of any grievance. In 1868 a Royal Commission, which had considered the subject, made three recommendations—first, that the salaries were insufficient, and ought to be increased; secondly, that residences should be provided; and, lastly, that there should be a system of retiring pensions. Instead of adopting these recommendations, however, the Government spent about £100,000 upon a system of what was called payment by results. This was only an experiment to last until the present year; and it had practically failed, because the amounts obtained under it by the teachers were insufficient to give any substantial increase of income to them; because certain allowances before granted had ceased; and because also the school fees diminished when the parents knew that the teacher was paid by results. In infant schools also the system worked very badly indeed. The dissatisfaction which existed with the service was shown by the fact that during the whole time that the national system had been in existence no less than 5,745 teachers had voluntarily left the service; and each of them had cost

the country in training about £50. Another result of the present state of things was that a very inferior class of men were offering their services as teachers in the Irish schools. In England the cases of the teachers were better. Twenty-five per cent of the English teachers had residences found them, and first-class male teachers received £103 4s. 10d. per annum, and first-class female teachers £62 9s. 1d. per annum. In Scotland the average salary was £110, so that in Ireland, where the average was £42, the teachers had to support their families on one-half the sum received by their brethren on this side of the channel and maintain themselves in respectability. Besides, no pensions were granted, though gratuities at the rate of £10 for 10 years' service were occasionally awarded to teachers who became disabled; and there were no less than 111 in the workhouse, and as many as 26 in one union. The system under which these miserable sums were paid was a State system, and he thought it a disgrace to the Legislature that State servants should be so wretchedly remunerated. Their demand was a very moderate one—namely, that those of the third-class should receive a minimum salary of £1 a week, those of the second-class £1 10s., and those of the first-class, of which there were only 120, £2. They asked to be enabled to live, and nothing more. If the House looked at what was expected of these teachers, it would wonder at the small sum asked by them. The questions asked of these men in examination demanded great knowledge, some of which was not very common. In some of the papers recently set, candidates were asked such things as the number of vertebræ in the neck of a mammal—and the number of forms which might be adopted by a Member of the House of Commons who wished to oppose a Motion. The police constable was better paid than these men, and he did not ask too much when he asked that an immediate remedy should be applied to a crying evil.

MR. R. SMYTH said: I shall detain the House only for a short time in seconding the Motion, which has been so fully explained and so well enforced by the hon. Member for Kildare. I am sure, if facts and arguments are to have due weight attached to them, it will

be admitted that the hon. Member has made out a conclusive case for a body of men and women who are discharging duties admitted on all hands to lie at the very foundation of the future prosperity of Ireland. And yet I should like to present the subject in a somewhat different light from that which has been so well and so copiously thrown upon it by my hon. Friend. I would not make this question one that concerns only the national teachers, or present any *ad misericordiam* appeal on their behalf. We ought rather to regard it as one which concerns deeply the honour and welfare of the country. Hon. Members of the House generally must have listened with pleasure to the testimony borne by the hon. Member to the success of the national system, and to the benefits it has conferred on Ireland during the last 40 years, and this testimony is all the more valuable because my hon. Friend has a right to speak for that large portion of the Irish people who have had their misgivings for some years as to the appropriateness of the national system to the wants of the Irish population. I do not wish to take more out of the hon. Member's words than they conveyed; but I must express my recognition of their wisdom and patriotism. I was going on to say that this is a question that affects the country rather than the teachers, for I can hardly imagine a greater misfortune to befall Ireland than to allow the education of the young to fall into the hands of incompetent men, and this must be the result unless Parliament see to it that adequate inducements are held out to men of efficiency and competence to enter upon the work. The national school teachers of Ireland have hitherto lived in the hope of seeing their just claims conceded, and I am happy to know that there is still a considerable number of them who are bringing to the service of the State an intelligence and zeal which must be their own reward, for they are but miserably requited in the small pittance they receive for their labours. But the House needs not to be told that this state of things will not and cannot last. Those who have already embarked upon the life of schoolmasters must now make the best of it; but their unsatisfactory position and their complaints will deter others from following their example, and the competence of national teachers will

inevitably be impaired. The hon. Member who introduced the subject has brought forward facts as to salaries which can scarcely be thought of as anything but a scandal to the State. £40 a-year for a man and his family, living as a schoolmaster ought to live, would not do more than keep the wolf from the door. A pound sterling this year is not, and does not mean, the same thing it did in 1832, or even 10 years ago. A fixed salary, with a changeable price of commodities, is an absurdity. There is hardly anything absolute in the world—all is relative; and if there is one thing more than another which is relative to other things it is the value of money. In 1832 a labouring man in Ireland got 8*d.* or 10*d.* a-day for his work—he now gets 2*s.*, and for spring and harvest work he gets sometimes 4*s.* a-day. No doubt this arises partly from a decrease of the labouring population, but it springs principally from an increase in the price of commodities. He could not live on that which gave him and his family bread in 1832, or even in 1852. I admit that you may get the children of Ireland educated at the same price that education cost 20 years ago, but it will not be the same education. We have heard of 12 razors being bought for 1*s.* 6*d.*; but the man who tried to shave with one of them is set down in history—or at any rate in poetry—among the ignoble army of martyrs. There is no use in thinking that you can get education of the same kind, at the same price that it cost, some years after the Irish famine. You will restore the old hedge-school system of training, and the education of the people will become a mockery and a mischief. If there is one thing in which this House of Commons ought to divorce itself from economy, it is in its Votes for educational purposes. Whatever may have been the parsimony of the late Government in some Departments—and I am not going to repine at that parsimony—no one, I think, could fairly charge it with a desire to starve the educational interests of the country; and so far as Ireland is concerned, we are aware that it was not the fault of the late Government if Ireland did not get a considerably increased grant for the promotion of the higher education of the Irish people. Well, perhaps the present Government may not wish to project mea-

tures so ambitious—not, however, too ambitious for an earnest and powerful Ministry—but surely the placing of the elementary system in Ireland on a more secure foundation, as regards the teaching department, is an aim which involves no risk, either political or economical. I am informed that a substantial increase is to be made to the salaries of some of the higher functionaries who are at the head of the Education Department in Ireland. I make no objection to that. Men in high office must be paid for their administrative abilities, and we have as resident Commissioner of Education in Ireland a gentleman whose merits, as an administrator, will always be more than abreast of any reward you will give him. But I earnestly ask the Government to consider the comforts of the men and women who are doing the hard practical work throughout the country, who are coming into daily contact with the minds of Irish children, forming their opinions, and really determining what the Ireland of the future is to be. I am not alone in thinking that the right hon. Baronet the Chief Secretary has the good of Ireland at heart, and, what is more important still, that he takes on many questions just and enlightened views of public policy for that country. It is somewhat to be regretted that Ireland is not deemed of sufficient consequence to give the Minister who presides over its affairs in Parliament an opportunity of enforcing his opinions in the more secret counsels of the Cabinet. But I shall not dwell on any general topics of that kind. What we have before us is this—the hon. Member for Kildare has read us statistics to show that there are 9,000 national teachers in Ireland, who receive on the average a little over £40 per annum, or in the gross £364,000. How far would that sum go at the Admiralty? We could not get one ship for it. We have heard it asserted from a bench below the gangway on the other side of the House more than once this Session, that we have no Navy. Now, suppose we were to set about getting a Navy, what would £364,000 do towards its construction? Why, you would vote millions and millions before you would begin to grudge it. Without disparaging the defensive armaments of the present or future, I venture to express the opinion that for the credit, the defence, and the ultimate

power of this country, the 9,000 national school teachers of Ireland are worth a great deal more than one iron-clad ship. For all the reasons I have stated, I cordially second the Motion made by the hon. Member for Kildare.

Motion made, and Question proposed,

“That, in the opinion of this House, the present condition of the National School Teachers of Ireland, and the discontent which prevails amongst that important body of public servants, call for the early attention of Her Majesty's Government, with a view to a satisfactory adjustment of their claims.”—(*Mr. Meldon.*)

MR. C. E. LEWIS said, that it would be a misfortune if this debate were taken part in only by hon. Members of the Liberal side of the House. He complimented the hon. Member for Kildare (Mr. Meldon) on the ability and good taste with which he had brought the subject before the House. Many questions relating to Ireland had been discussed, and had received the attention of Parliament this Session; but none was of such vast importance to the country as this. It was a discredit to the Legislature and to the House of Commons that such a state of things should have existed so long without any united effort having been made by both parties to put an end to it. Many hon. Members, of various political opinions, earnestly hoped that the subject would receive not only the immediate, but the most favourable consideration of the Government. As an act of justice to the teachers, to the children they instructed, and to the national education system itself, which the hon. Gentleman who brought forward the Motion admitted to have been in the past a success, the system ought to be made a complete and permanent success, and the way to produce that result would be to show common justice to those who were entrusted with the education of the younger classes. He could assure the Government that there was a very strong feeling upon the subject among Irish Members on his side.

MR. M'LAREN said, he wished to move an Amendment by adding a few words to the Resolution. He thought it desirable that the teachers should be paid better; but the Resolution did not say from what sources the increases should be derived, and he proposed to supply the deficiency with the words “by means of increased allowances from

Mr. Smyth

local sources." He was glad to learn from an Irish newspaper that when a deputation recently waited upon the Lord Lieutenant on that subject, the noble Duke told it that for any addition to the salaries of local teachers it must look to local sources. It had been said that the 9,000 teachers received only £300,000 a-year. It was true that in a printed statement that income was given at £324,000; but by another, and, as he ventured to say, higher authority—namely, the Report of the Commissioners of Education—the amount was stated to be £436,950; and in another part of the same Report, having reference to the additional grants which had been made on account of results, it was stated that the teaching staff of the schools in connection with the Board appeared to have received £501,053. Again, of the whole expenditure for the schools, only 13 per cent was locally provided, 87 per cent being supplied by means of Government grants. He thought that was a state of things which was not at all right in relation to the other ratepayers of the United Kingdom, who might justly claim that as they had equal rights and privileges, so there should also be equal burdens. It was discreditable to the landed interest of Ireland that it only contributed £13,000, while England and Scotland paid two-thirds of their school expenses from local sources. He did not wish to enter into statistics connected with that subject; but he must remark that while Ireland received £547,000, Scotland received only £130,000, though Scotland contributed to the Imperial Exchequer about £1,000,000 a-year more than Ireland. Did it not come to this—that England and Scotland, and especially Scotland, were mere "hewers of wood and drawers of water" for Ireland? He contended that such a system was altogether unjust. He admitted that the Irish teachers ought to have larger pay than they now received; but as the Lord Lieutenant told the deputation of which he had spoken, they ought to obtain it from local sources and not from the national Exchequer. Though the Irish scholars were said to be nearly 1,000,000, the average daily attendance was only 38 per cent, or 373,371, while in England and Scotland it was 84 per cent. The average attendance at each school was only 38, as compared with

140 in the sister Kingdoms, a fact indicating that schools had been multiplied for the purpose of obtaining grants. Before coming to any conclusion on that subject, the Government would do well carefully to consider the whole matter. In England and Scotland the expenditure on education, according to the Privy Council's last Returns, amounted to £2,146,572, of which the Government paid only £755,049, and the rest was raised from local resources. It had been said that the Scotch teachers received on the average £110 each, besides a house to live in. He was afraid the average was not quite so high as that; but the reason why those salaries were now paid was that when Scotland was almost a barren heath, two centuries ago, landowners by an Act of the Parliament of Scotland, assessed themselves to build a school and a schoolmaster's house in every parish, and to pay the whole of the schoolmaster's salary, and other expenses of the school; and now every cotter rated at £4 contributed to the support of the system. His advice to the landowners of Ireland was, "Go and do likewise." He therefore moved the addition to the Resolution of the words, "by means of increased allowances from local sources."

MR. KINNAIRD seconded the Amendment.

Amendment proposed, to add, at the end of the Question, the words "by means of increased allowances from local sources."—(*Mr. M'Laren.*)

Question proposed, "That those words be there added."

SIR MICHAEL HICKS-BEACH said, he thought the brief statement of the hon. Member for Edinburgh (*Mr. M'Laren*), and the Amendment with which he had concluded, showed that the question was hardly in a position at which it would be satisfactory for the House to come to a definite conclusion upon it that evening. The matter to be decided might be arranged under three heads. Was the position of the national school teachers of Ireland unsatisfactory? If unsatisfactory, how could it be best remedied? and, if a remedy were to be applied, out of what fund or resources was the money to come? With regard to the first part of the question, he considered the hon. and learned member for Kildare (*Mr. Mel-*

don) had stated the case fairly, and had shown that the present position of the teachers was not only unjust to themselves, but injurious to the interests of education. It was, however, an exaggeration to state that they had been driven to the workhouse. This question had been recently considered by the Government, and to a considerable extent the recommendations of the Commissioners of 1868 and 1870 had been carried out. It was quite true, as had been stated by the hon. Member, that 5,745 teachers had left the service, but he forgot to mention that those secessions extended over a period of 40 years. The last Returns did not appear to show that the insufficient pay of the teachers led any great number of them to leave the service. Out of 3,518 trained teachers, only 159 retired in 1873, of whom 32 received retiring gratuities. Of the 9,150 teachers alluded to as receiving an average salary of £42 a-year, it was omitted to be stated by the hon. Member for Kildare that 2,500 were only assistant-pupil teachers, who should not, of course, be included in the average, as they were only learning their work, and would not be included in a similar average for England. The salaries of the principal teachers were—male £52, female £42, with considerable grants in the shape of fees for results. The salaries of the third class assistant teachers were, men £24, women £20 a-year, with the money derived from results which might be added to those sums. These were not by any means large salaries. Not very long ago, in accordance with a proposal made by the noble Lord the late Chief Secretary for Ireland, the sum voted for salaries had been increased by £104,000 in the shape of payment for results. Still, the salaries now paid in Ireland did not compare favourably with those paid to the teachers in England. Yet it must not be forgotten that the quality of the work done might not be so good. The English certificated teachers spent two years in a training college to fit them for their duties, while in Ireland a teacher was regarded as trained after a period of five months similarly spent. It was scarcely to be expected under those circumstances that the Irish teacher should obtain quite as high a salary as the English; but undoubtedly there was a very con-

siderable difference between the position of the teachers in the two countries, and he thought the Irish teachers had a very fair ground for saying their present position was unsatisfactory. The hon. Member for Kildare had mentioned three respects in which it was unsatisfactory—namely, in the amount of the salaries, the want of pensions, and the want of residences. The last of those three points seemed to him the most important of all. Particularly in thinly-populated districts, where they now had to go considerable distances to their schools, it would obviously be a very great advantage to the female teachers, especially, to have convenient residences provided for them. He might add that, looking at the mode in which the Government at present made grants for the erection of schools, which were vested in the National Board—namely, by finding two-thirds of the cost, it did seem to him that the time had come when the same system might be extended to residences, also to be vested in the National Board. If that were done it might be considered how far it would be possible to apply sums disposable for the purpose in order to provide allowances for rent for the teachers of those non-vested schools, for whom it would be very difficult for the State otherwise to provide. Now, with regard to pensions, the teachers had made a claim to be placed on the footing of Civil Servants, but it ought to be remembered that there was this difference in their position—that the teachers were appointed, and were liable to be dismissed by the local managers of their schools. He therefore thought that the only way by which those wished-for pensions could be provided would be by stoppage from the salaries, if the salaries were sufficiently augmented to allow of it, by which means, after some time, a sufficient sum for the purpose could be raised. That led him directly to the question of salaries. Now, as he had already said, they had in the last two years, been largely increased. That increase, in the shape of payment by results, was given only as a temporary experiment. It was to last for three years, and the third of those years was now running. The result seemed to him so satisfactory, that the experiment, so far as it had gone, must necessarily be permanent. But if the salary was to be increased

question would arise whether the best means of doing that would be by increasing the salary itself, or increasing the payment by results. On that point he would observe that the national school teachers of Ireland had an advantage over those of England. In England the teachers had no fixed salary, and were paid only by results. In Ireland the teachers received a large portion of their remuneration in the form of a fixed salary. On a proposal being made, therefore, to raise the salaries of the Irish school teachers, he thought, at any rate, that the increase ought not to be made in the form of an addition to the fixed salaries. He thought there was great force in the arguments in support of the principle of payment by results; and though, no doubt, there might be difficulties—such as causes which were felt more acutely in Ireland than in England—in teachers obtaining a good advance of scholars, there was no doubt that the fact of the large grant of £4,000 being earned, proved that it could in some way or other obtain the attendances. Now supposing that the salaries were fair and proper grounds for demand of the teachers to be placed in a better position, the question arose, on the Amendment of the hon. Member for Edinburgh (Mr. M'Laren), from what source should the necessary funds be derived? He did not want to lead the discussion into a discussion of the relative position of England, Scotland, and Ireland in reference to this question; but he might mention a fact which had been stated to a deputation which waited on the Lord Lieutenant on the subject, namely, that while the local or private contributions in England amounted to 8s. per cent of the whole expenditure, in Ireland they amounted only to 14s. There was no doubt, however, that the two systems were not on the same footing. There were laws for requiring local contributions in England, compelling localities to be rated, and the national system which was in force in Ireland did no such power; but after many difficulties and struggles, had reached a position which he was glad to hear so fully admitted by the hon. Member for Kildare. But he thought it idle to expect that in Ireland such large sums could be contributed to meet the Parliamentary

grant as were contributed in England for the same purpose. He must say, however, that it did seem to him that it would be a question that would well deserve the serious attention of the Government and of Parliament, whether a further amount in addition to that now provided ought not to be obtained from local sources in Ireland? He trusted, therefore, the House would not on that occasion, either by the adoption of the Motion of the hon. Member for Edinburgh, or by the original Motion, pronounce any decision upon the question, whether the increase should be obtained from local or Imperial sources? He would ask the House to leave it in the hands of the Government. He hoped he had not shown himself insensible to the demands of the Irish teachers, and he could fairly promise, on behalf of the Government, that they would endeavour to meet those demands with a due consideration for the interests both of local and of Imperial contributories to the expenditure.

THE MARQUESS OF HARTINGTON said, that the right hon. Baronet the Chief Secretary had correctly described the action of the late Government in this matter in speaking of it as an experiment of a temporary character. It was not the fact, however, that the temporary character of the experiment was due to any doubt entertained by the late Government as to the value of the principle of payment by results. It was intended by the late Government that the experiment should be extended over three years, after which it should be for Parliament and the Government to consider the terms on which the original salaries were granted. As he had said, it was not from any doubt of the practical value of payment by results that the late Government made the proposals they did; but it was felt that when Parliament was making considerable additions to the salaries of the teachers the system could not be regarded in other respects as perfectly satisfactory. It was felt that the addition then made to their salaries was as great as ought to be demanded from Parliament; and he hoped that the time had now come when some scheme might be suggested whereby additional assistance could be obtained either from the ratepayers or from private sources. Holding the opinions he did, it was impossible for him to

vote for the Motion of the hon. Member for Kildare. The termination of the period of three years pointed to next year as the time when this question should be reconsidered. It would then be impossible for Parliament to look upon this as a mere question of the payment of school teachers. It was evident from what they had heard that evening, that under the present system there was no prospect of obtaining larger contributions from private sources. Those contributions, it appeared, were actually falling off, and the tendency of the present system was that the whole payment should fall upon the State while the State retained in its own hands very little or nothing of the management of the schools. He could conceive the State taking upon itself the entire payment of the teachers, and then retaining, if not the entire share, at all events, a very large share, of the management. They knew that managers were not very much disposed to relax their share of the management, yet they hardly did anything themselves for the support of the schools. Whether a school rate ought to be adopted for Ireland he did not know; but whenever the addition to the salaries of the teachers came before the House for reconsideration it would be necessary to decide whether it would be possible to go on very much longer increasing the contributions of the State, while the State did not increase in any degree its share and influence in the management of the schools.

Mr. SYNAN confessed that he was not disappointed at the speech of the Chief Secretary for Ireland. Good intentions and general assurances were as much as could be expected from him under the peculiar circumstances and novelty of his position. The answer to the arguments and objections of the hon. Member for Edinburgh was that local aid and local taxation could not be resorted to for the support of a Government scheme of education not in harmony with the opinions and sentiments of the people. He (Mr. Synan) maintained that properly educated men could not be got to undertake the duties of teachers, because the salary scarcely exceeded the pay of an agricultural labourer, and contended that the whole question of education in Ireland was being imperilled and endangered owing to the system of starvation at present in vogue. He ad-

mitted the justice of the principle of providing pensions out of the salaries; but in this instance there was so little from which to deduct that an increase must be made before any deduction could be thought of. It was idle to draw a comparison between the state of things in Scotland, where the system of education was in every sense national, suited to the habits, and framed to meet the wishes of the people, and where all had been done by voluntary effort, and in Ireland, where the system they had was one which was forced upon the population. It was impossible to deny that the teachers were shamefully treated, and that this treatment had the worst possible effect upon the education of the country.

Mr. O'REILLY observed, that it was admitted on all hands that the salaries of the teachers were inadequate; that their position was a sad one; and that their labour, generally very well performed, deserved better treatment. It was a mistake to suppose that there was any tendency to multiply schools, and the reason why they appeared more numerous in some cases than necessary was owing to the sparseness in many quarters of the agricultural population. The question was, how was the additional money for the school teachers of Ireland to be obtained? The system of payment by results had worked admirably. He knew 20 schools, situated in four different counties in Ireland, and there the system had worked well, and from information received he learned that it had worked well elsewhere. It corrected the great evil in the system, and that was the absence of children. If they wished to look forward, however, to an increase in the system they must depend in a great measure on local contributions, and if they were not liberally supplied he, for one, would support the establishment of a school rate in Ireland. He had heard with pleasure the statement of the Chief Secretary for Ireland.

Mr. BRUEN said, that while advocating the claims of the national school teachers to some increase of their salary he must bear testimony to the fact that a very large amount was subscribed every year for the support of those schools which gave free education. He was glad the question had been brought forward by the hon. Member for Kildare (Mr. Meldon), and recognized by

that House, but he would advise the hon. Member to withdraw his Motion.

MR. POWER admitted that the question was surrounded with difficulties; but he never knew any question affecting a large class of Her Majesty's subjects that was not in the same position. He thought the time had arrived when this question of the additional payment of Irish school teachers should be boldly met and determined. He trusted that the Government would consider the recommendation which had been made by an Inspector of National Schools in Ireland in reference to the increase of the salaries of the Irish teachers and the very general expression of opinion on both sides of the House that they had a grievance which urgently called for a remedy. He hoped his hon. Friend would not withdraw his Motion.

SIR EARDLEY WILMOT said, he sympathized with the case of the Irish national teachers, but thought that after the promise made by the right hon. Baronet the Chief Secretary for Ireland, the Motion ought in their own interests to be withdrawn.

MR. GATHORNE HARDY observed, that the House found itself placed in a somewhat embarrassing position. The question under discussion had not come before it that night for the first time. It had been dealt with by the House two years ago, with the intention that in the third year the whole matter should be reconsidered; and now, in the second year, the hon. Member for Kildare (Mr. Meldon), having, no doubt, a strong case on behalf of the Irish national teachers, brought forward the present Motion. Not content, however, with that, he had laid down a particular scheme for the adoption of the House and the Government. To such a course the Government could not possibly assent. They would not bind themselves to take any particular step as to the source from which it would be necessary—as he believed it would be—to increase the salaries of many of the teachers in Ireland. The Amendment of the hon. Member for Edinburgh (Mr. M'Laren), on the other hand, would also force the House into a false position. If the hon. Gentleman went to a division, he should vote against his Amendment, as he would then be compelled to do against the Motion, because he did not wish the Government to be

tied down to the particular interpretation placed upon it by the hon. Member for Kildare. His right hon. Friend the Chief Secretary for Ireland had suggested a scheme as to residences which was certainly worthy of consideration; he had also admitted that there existed grievances which ought to be remedied; and what he (Mr. Hardy) would suggest was that, under the circumstances, the Motion and the Amendment should both be withdrawn, as a division on either would not elicit the real opinion of the House.

MR. MELDON observed, that after the expression of opinion from the right hon. Gentleman who had just spoken, and from the right hon. Baronet the Chief Secretary for Ireland, to the effect that a grievance existed which ought to be remedied, he would not press his Motion to a division.

MR. M'LAREN said, he would withdraw his Amendment.

CAPTAIN NOLAN regretted that the opinion of the House had not been taken on the subject of the Resolution.

Amendment and Motion, by leave, *withdrawn*.

MONASTIC AND CONVENTUAL INSTITUTIONS.

MOTION FOR A RETURN.

MR. NEWDEGATE rose to move for an—

“Address for Copies and Translations of any Laws, Ordinances, or Regulations relating to Monastic and Conventual Institutions connected with the Church of Rome, and to the inmates or members thereof, especially to the regular Orders of the Church of Rome, which may be enforced by the authority of the State, and are at present operative in France, in the German Empire, in the Austro-Hungarian Empire, in the Russian Empire, in Italy, in Sweden and Norway, in Belgium, in Spain, and in Switzerland; and, of any projects of Law relating to these subjects that may have been proposed by the Governments, and are under the consideration of the Legislative Assemblies of the above States.”

The hon. Member was proceeding to address the House in support of his Motion, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after
Eight o'clock.

HOUSE OF COMMONS,

Wednesday, 10th June, 1874.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Personation * [146]; Labourers and Artisans Dwellings * [144]; Colonial Attorneys Relief Act Amendment * [145].
Second Reading—Elementary Education Act (1870) Amendment * [6], *put off*.
 Committee—Building Societies (*re-comm.*) * [132]—R.P.
Considered as amended—Four Courts Marshalsea, Dublin * [116].

 PARLIAMENT—THE LATE COUNT-OUT.
 OBSERVATIONS.

MR. NEWDEGATE said, he wished to call the attention of the House to the circumstances of the Count-out of yesterday evening. It so happened that just before the hon. Baronet the Member for Wexford (Sir George Bowyer) moved the Count at half-past 8 o'clock and it was found that there were not 40 hon. Members present, there were many hon. Members upon the benches on the opposite side of the House; but apparently by some movement on the part of the Irish Members, or intimation from the hon. Member for Wexford that he was going to move a Count of the House, the benches became emptied. That circumstance would not have been very remarkable in itself, if it were not for the fact that it was the second time that a Count-out had been made when the subject before the House was connected with Monastic and Conventual Institutions. On the 2nd of July last year an attempt was made to count the House, when, it being Wednesday, Mr. Speaker could not leave the Chair by the Rules of the House, and the consequence was that the Business of the House was kept in abeyance for 20 minutes, and he was sorry to say that on that occasion attempts were made to bar the ingress of hon. Members to the House to form a quorum. It seemed to him (Mr. Newdegate) that there was a design to interrupt the Business whenever there was a desire shown to consider that subject of Monastic and Conventual Institutions. He would not advert to it further than to say that it was known how Roman Catholic authorities were disposed to all States, and especially to the State of England, of which that House formed a constituent element, with regard to those

institutions. He was therefore disposed to think that the Counts-out were exceptional, and that they indicated a disposition to interfere with the free action and jurisdiction of that House; and inasmuch as he had a Notice of Motion for Friday next touching the same subject, he thought it was his duty to warn the House that on the last two occasions when that subject was brought under its consideration there had been a manifest attempt—namely, on the 2nd of July last year, and a successful attempt yesterday to interrupt the Business by some hon. Members availing themselves of the peculiar privilege, the privilege of calling their attention to the fact that 40 hon. Members were not present; a privilege that he was sorry to say had been on some occasions so used that it formed the subject of consideration by a Committee for Public Business in 1870. Now although the Committee did not adopt any specific recommendation on the subject, he thought it was the general opinion of the Members of that Committee that the privilege should not be continued unless hon. Members of that House considered its character, and the order of its Business, so as not to abuse that privilege for political and partizan purposes, but only so as to secure an adequate attendance when the House was discussing important Business. That subject appeared to him to have been the cause of that interruption; the desire to intercept the deliberations of the House upon the question of Monastic and Conventual Institutions; and thinking that in what took place there was sufficient evidence of design, he considered it his duty to call the attention of the House to what took place yesterday, in the hope of preventing a recurrence of such a proceeding on Friday next.

SIR GEORGE BOWYER said, he remembered on one occasion the late Lord Palmerston saying that the hon. Member who counted out the House was among those "who did good by stealth, and blushed to find it fame." Now he did not blush at all for what he did yesterday. On the contrary, he believed that it gave universal satisfaction. He was sure Mr. Speaker, at the close of a sultry summer day, was glad to escape from the Chair, and the Members of Her Majesty's Government who were present walked off with an alacrity

which showed their satisfaction. He was also sure that the whole of the House was pleased when Mr. Speaker declared that there were not 40 hon. Members present. He thought, indeed, that the hon. Member ought to be obliged to him for what he did, for he saved him from making a very dreary speech.

MR. NEWDEGATE begged pardon, but he had finished his remarks and had sat down before the Count was moved.

SIR GEORGE BOWYER said, he was not aware of the fact; and he had intended to save the hon. Member from making one of those dreary speeches which they had heard from him so often, in which he repeated a great many things which gave no satisfaction to anybody, and also to save him from moving for Papers which, if they had been laid on the Table, would have been of no earthly use to anybody. The hon. Member spoke of an abuse of the Privileges of that House. That abuse, if it was an abuse, was one entirely under the control of the House. The hon. Member said that a number of hon. Members went out of the House, and that thereby the House was reduced to below 40 Members. That was perfectly true, but what did it show? It showed that the House did not want to hear the hon. Member's speech, and that it did not consider the question of sufficient importance to keep hon. Members from their dinner. Under those circumstances he did not think the hon. Member could complain of him because he availed himself of a privilege which had been used over and over again, and which could not be successfully exercised except by the permission of the House.

MR. GREENE rose to address the House—

MR. SPEAKER interposed, and said he was bound to observe that at present there was no Question before the House. The hon. Member might put himself in Order by concluding with a Motion.

MR. GREENE said, he was anxious to say that not only was the House counted, but that violence was used to prevent hon. Members entering it. The usual passage to the House was so obstructed that hon. Members had to come in by the side doors. And yet there was no opposition to the Motion, for he understood that the Government intended

to give the Papers asked for. He did not blame the hon. Member for Wexford for what he did. Probably, if he (Mr. Greene) were present in Parliament under the same conditions as he was, he might act in the same manner. He believed that the hon. Member held some high office in connection with the Pope. [SIR GEORGE BOWYER: No.] He understood that he did. He had no prejudices against the Roman Catholics as Roman Catholics, but they in England thought that there ought to be some inquiry into the question of Monastic and Conventual Institutions.

MR. SPEAKER said, it was quite irregular, even if the hon. Member proposed to conclude with a Motion, to introduce a subject which stood on the Orders of the House for another day.

MR. GREENE said, he intended to move that that House do now adjourn. He was sorry if he had departed in any way from the Rules of the House, but he thought the subject was whether, in the interests of the country, it was desirable that certain Returns in reference to these institutions should be laid on the Table. He did not altogether complain of hon. Members opposite, but he complained also of many hon. Members sitting on that side of the House, and it certainly did appear that the House was so tinged with Romanism and Ritualism that the two combined together were used to stop the consideration of any topic that was regarded as objectionable. But if the country required that such questions should be discussed, the country would, he thought, soon show it. He knew that on the occasion of his being returned, there was no question that gained for him more support than his views on that subject. Therefore, he did hope that the House would leave them at liberty to discuss it. They were told the other night that they should endeavour to aid the Government in the progress of Public Business, and they were ready to do so; but if that system of counting-out the House was to be resorted to, he was at a loss to see how they could give that aid effectually. He remembered the time when the Speaker was unnecessarily kept in the Chair one Wednesday last Session upon that very question, and if that kind of thing was to be repeated, they would never be able to get a fair discussion of questions which happened to touch persons in

that House who held certain opinions. He begged to move the adjournment of the House.

SIR RAINALD KNIGHTLEY seconded the Motion, and said that the remark of Lord Palmerston which had been referred to was simply made by way of joke. It would be very unusual for the Leader of the House to advocate the practice of counting out the House. He protested against the course taken by the hon. Baronet the Member for Wexford, it being a very unusual thing to count the House when the Government had promised not to oppose the Motion of the hon. Member for North Warwickshire.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Greene.)*

MR. SULLIVAN said, that he hoped the House would not now adjourn. He remained in the House last night, and he did his best to keep a House. He was able to say that a larger proportion of Roman Catholics remained in the House than of any other denomination. He hoped, however, that the House was not going to set up religious opinion as a standard for investigating the conduct of hon. Members. He was very sure that if they attempted anything so preposterous, the hon. Member for North Warwickshire would be able to classify very few who sat on his own side of the House as true Protestants. For his own part, he was averse to Counts-out, and he remained in the House last night because he thought that the more manly and dignified course was to remain, in order to meet argument with argument, and to put down the hon. Gentleman by a division if they could.

MR. HOLT said, that in the Count-out last night an attempt was certainly made to prevent the free ingress of hon. Members into the House. When there was a Count-out, he thought it was only reasonable that some provision should be made by which hon. Members who wished to keep a House should really be enabled get into it. Many of them had to force their way into the House by a side door.

SIR GEORGE BOWYER said, in justice to Captain Gossett, the Deputy Serjeant, he felt bound to say that he went outside the moment the Count commenced, and kept a free passage.

Mr. Greene

SIR EDWARD WATKIN said, he was sorry to see that the hon. Member for North Lincolnshire (Mr. R. Winn) was not in his place. He, as whip of the Government, could at any time prevent a Count-out, and last night he was outside the door with a phalanx of hon. Members, who could easily have made a House. It was entirely the fault of the Government that a House was not kept, and that the hon. Member for North Warwickshire was counted out on a question which both Catholics and Protestants wished to have fairly discussed.

MR. ASSHETON CROSS said, he had hoped that the House would have been allowed to pass on to the Orders of the Day; but as the Government had been alluded to, perhaps he might be allowed to say that he remained in his place with the Under Secretary for Foreign Affairs, and that they were both prepared to give an answer to the question before the House. Certainly, it was with no connivance or knowledge on his part that the House was counted out. He, for one, was not aware of what was going on.

MR. SPEAKER said, in reference to what had taken place, he thought it his duty to state that it was, no doubt, the duty of the Sergeant at Arms to keep free access to the House on such an occasion, and he had every reason to believe that that duty was properly discharged last night.

MR. HOLT said, he was certainly one of those who could not get into the House, except by a side door.

Question put, and *negatived*.

ELEMENTARY EDUCATION ACT (1870)

AMENDMENT BILL—[BILL 6.]

(Mr. Richard, Sir Thomas Bazley, Mr. Morley, Mr. William McArthur, Sir Henry Harelock.)

SECOND READING.

Order for Second Reading, read.

MR. RICHARD, in rising to move that the Bill be now read a second time, said: In doing so, I should like in a few sentences to state the history of this matter, so far, at least, as it is known to myself. When the first version of the Bill of 1870 was submitted to this House, it was found to contain a provision which empowered the school boards to make grants out of the local rates to denominational schools. Against

that proposal there was a loud and earnest protest from all parts of the country. By Petitions, Memorials, and large and numerous deputations, the Government was made aware that that was one part of their measure which was most strongly and strenuously objected to, especially by the Nonconformists, who foresaw that it would revive in a still more odious form, the old and extinct church-rate controversy, and become a prolific source of bitterness and strife. In deference, as it was understood, to these representations, the Government took back their Bill, promising to introduce into it such modifications as might render it less obnoxious to a large body of their own supporters. Accordingly, when the new edition of the Bill was brought forward by the right hon. Gentleman who was then Prime Minister, he dwelt at considerable length on this particular point. He admitted that there was great force in the objection to subsidize denominational schools out of the rates, because—to use his own words—

“The voluntary schools contain every variety of full denominational teaching; they raise in the broadest form whatever controversy may be connected with the subject.”—[3 *Hansard*, ccii. 177.]

The right hon. Gentleman examined one or two alternatives under which it might be possible to retain some relation in a modified form between the school boards and the denominational schools. But the conclusion he reached was, that it was inexpedient to do so in any form whatever, as he was convinced it could not be done without giving rise to discontent and exasperation. He therefore announced the determination of the Government, in language singularly explicit and emphatic, which was, that school boards should cease to have any connection with, or relation to, denominational schools, and that those schools, so far as they depended on public aid, should only stand in relation to the Privy Council. And as compensation to the denominational schools for the withdrawal of the power given to the school boards to aid them from the rates, he proposed that they should have an addition of 50 per cent to the grants they were already receiving out of the Exchequer. This modification was made avowedly and professedly out of respect to the objection of principle raised by

the Nonconformists. For saying this I have the authority of the right hon. Gentleman who was then the Vice President of the Council, for in defending the additional grant of 50 per cent to the denominational schools, he said—

“The Government had introduced this change into the Bill in consequence of another change they had made. The Government had thought it advisable to strike out from the Bill the principle of voluntary schools receiving aid out of the rates, and thereby to take from those schools that possible and probable great assistance, because hon. Members on their own side of the House objected to that principle.”—[3 *Hansard*, cciii. 84-5.]

No one can question the perfect sincerity and good faith with which the right hon. Gentleman the late Prime Minister made the declarations I have cited. Beyond all doubt, at the time he spoke, he fully believed that there was to be an absolute severance between the school boards and the denominational schools. How it happened that in spite of, and in the face of, those express and reiterated assurances, the 25th clause remained in the Bill I am unable to explain. It has been said that the clause passed through this House without opposition. I believe that is true. The fact is, that the Nonconformist Members, as well as Nonconformists outside, had been completely put off their guard by what was said on this subject by the Representatives of the Government. There were amongst them no very experienced politicians, no practised lawyers, skilled with keen microscopic eye to analyze Bills and Acts of Parliament, so as to detect the dangers lurking under outwardly innocent-looking appearances; and so, being of a very trusting disposition, and reposing implicit faith in the words of their Leaders, they allowed the clause to pass without observation or challenge. But when the Act began to come into practical operation, the insidious and dangerous character of the clause was discovered and denounced, and various attempts were made to induce the Government to withdraw it, and to bring the Act into harmony with their own declarations. It will be remembered that in the last Session the right hon. Gentleman the Member for Bradford made an attempt to meet the difficulty by proposing to transfer the payment of the fees of indigent children from school boards to boards of guardians. But that

was rejected by the unanimous voice of the country, and it fell still-born. So the 25th clause remains a blot on the Bill, and an apple of discord throughout the country. Now, I will endeavour to state briefly to the House the grounds of the objection felt to this clause by a very large number of our countrymen. They object to it first, because it involves a violation of the rights of conscience, and is at variance with the first principles of religious liberty. I believe that hon. Gentlemen opposite maintain that in this controversy they are the friends of religious liberty, and we are its opponents and assailants. Well, I am so delighted to find them proclaiming themselves on the side of religious liberty on any ground and for any reason, that I am willing to make large allowances for the crude and imperfect conception of a doctrine which it is natural to expect from those who are recent converts. Nor must we, in charity, forget that those who have lived all their lives within the pale and under the shadow of a great ecclesiastical domination, have not been placed in circumstances very favourable to the formation of just views on the question of religious liberty, and, certainly, large and liberal allowance is necessary for the views of these novices. For what is their notion of religious liberty in connection with education? Not that every man should have absolute liberty to teach his child, or to have him taught what he thinks is religious truth, but that he should also have the right and power to compel everybody else to pay for that teaching, even though there may be among those so compelled many who regard his religious truth as deadly religious error. Why, Sir, this, so far from being religious liberty, as it seems to me, leads directly to religious persecution. For if you oblige one man to pay for the support and the teaching of another man's religion, and enforce that, as you must, against recalcitrant consciences by fines, distrains, and imprisonments, you enter at once into the region of religious persecution—the only form of religious persecution that is possible in these days. I really cannot understand how even hon. Gentlemen opposite can regard this system as doing no violence to the rights of conscience. I might illustrate the matter by reference to hon. Members of this House. Would there be no wrong done to con-

science to compel the hon. Member for North Warwickshire (Mr. Newdegate), to pay for teaching the blessedness, freedom, and purity of a monastic and conventual life?—to compel my hon. Friend the Member for Peterborough (Mr. Whalley) to pay for teaching the inestimable service rendered to the cause of religion and morality by the Order of the Jesuits?—to compel the Roman Catholic Members, by whom I am surrounded on these benches, to pay for teaching the glory of the Protestant Reformation, and the horrors of Mariolatry, and the Mass, and the supremacy of the Pope?—to compel us Protestants to pay for teaching—what is taught in every Roman Catholic school in England—that “of the many horrors that have desolated the Church, the most disastrous is that which arose in the 16th century, the followers of which are known by the name of Protestants?”—to compel my hon. Friend the junior Member for Lambeth (Mr. M'Arthur) to pay for teaching that, “the Methodist chapel is the way to perdition?”—to compel me, and other Nonconformists, Members of this House, to pay for teaching that, “the sacraments, as administered by Dissenters, are blasphemous follies and dangerous deceptions?” Of course, if people have no conscience on such subjects, or if their conscience is so easy and elastic, that they feel no strain when compelled to support what they profess so earnestly to disapprove, I have nothing more to say to them. But not thus have we, the Nonconformists, learnt the doctrine of religious liberty. From past experience of bitter suffering, of prolonged persecution, of centuries of pains and penalties, and disabilities, and humiliations, we have been driven to the adoption of a distinct and definite principle which we feel ourselves bound consistently to maintain and jealously to guard. The principle is this—that the hand of law should never enter into the province of religion; that in whatever concerns man's relation to his Maker, the secular authority had better stand aloof, as it cannot interfere without doing violence to the rights of conscience, and what is still more important, without doing violence to the spirit and genius of Christianity itself, which is essentially and emphatically a voluntary service—so much so, that whenever coercion is brought in, it ceases to be Christian ser-

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rice at all. To the neglect and violation of this principle, we believe must be ascribed some of the most terrible scenes in history, when the religion of mercy and charity and brotherly love was converted into an instrument of terror and torture which inflicted sufferings upon mankind, surpassing those they have endured from the worst excesses of secular despotism. I am quite aware that many hon. Gentlemen in this House have been educated under the influence of ideas so widely different from these that they cannot accept or appreciate them. I find no fault with that. Indeed I believe—and it is only candid to make the admission—that sometimes wrong has been done to Dissenters by Governments representing both the great parties in this country, not from *malice prepense*, not from any conscious intention to do them injustice, but from ignorance of their principles, from mere incapacity to understand or to sympathize with the position they assume. But there is one man of whom this cannot be alleged, and that is my right hon. Friend the Member for Bradford (Mr. W. E. Forster). He knows—and I have no doubt will cheerfully bear witness to the fact—that the principles I have endeavoured to explain have not been taken up by the Dissenters of this country for the occasion; that they are not the offspring of sectarian jealousy; that they have been long since learnt in the school of suffering, and are held with all the force of deep, earnest, religious conviction. He himself has breathed an atmosphere impregnated with these principles from his childhood, for they are pre-eminently the principles of the body among whom he was educated. That most estimable body has many titles to honour, but none, in my opinion, greater than this—that they were first to discern as they have been the most steadfast to proclaim and defend these principles, and that for the sake of them they were content for generations to submit to fines and imprisonments, and to take joyfully the spoiling of their goods. It was on these grounds that they so long resisted the payment of tithes, church rates, and other ecclesiastical imposts. In one of the many Petitions they presented to this House against church rates, they expressed their principle in these words—

“They regard the compulsory maintenance of any system of teaching the Christian religion as a proceeding at variance with, and contrary to, the freedom and purity of the Gospel dispensation.”

We are sometimes charged with inconsistency because we object on grounds of conscience to the payment of denominational schools from the rates, while we do not object, but on the contrary sanction, the application of money derived from the general taxation of the country to the same purpose. I might answer this charge in the words of my hon. Friend the Member for Hackney (Mr. Fawcett). On the second reading of the Education Bill of 1870, he said—

“With regard to existing schools, the new principle was laid down that rates could be levied for aiding denominational schools. Now, it was no justification of this proposal to say that denominational schools were already assisted out of public funds raised out of the general taxation of the country; for sanctioning an old injustice was a very different thing from establishing a new one That system had grown up at a time when many things were flourishing which would not now be tolerated—when church rates were upheld in that House by an overwhelming majority, and when the Irish Church had at least one eloquent and zealous defender among those who now occupied the Treasury Bench, and its disestablishment was looked upon as a dream of enthusiasts.”
—[3 *Hansard*, cc. 280.]

But we, the Nonconformists, have no need to have recourse to this excuse. We never have sanctioned the application of public money from the Consolidated Fund to denominational teaching in day schools. I could give the House a succession of resolutions passed by Representative Bodies of the Nonconformists for 30 or 40 years, protesting against this application. When the system was first introduced we had no representation in this House. But when, in 1847, a proposal was made to give a great extension to the system under some new Minutes of Council, there was at least one eloquent voice raised in this House on behalf of the Nonconformists, against taking public money to pay for teaching the doctrine of one sect, or of all sects, in the day schools. That was the voice of my right hon. Friend the Member for Birmingham. And when, in 1870, it was proposed to increase the grants to denominational schools, I moved an Amendment against those increased grants. As the best proof of the strength and sincerity of our convictions on this matter, I may point to

the fact, that we steadfastly refused to accept money from the public funds for our own schools, and so placed ourselves at an enormous disadvantage as compared with other schools who did receive them. I was myself for many years honorary secretary to a society, the object of which was to train young men and women to become teachers in voluntary schools, and by grants of money, and books, and school materials, to assist in the establishment and maintenance of schools on the same principle in destitute districts. We found that our schools had a very hard struggle for existence against the competition of other schools who received subsidies from Government. Still, we always recommended them to decline accepting grants from public funds because there was—not denominational teaching, for that was never allowed in our schools—but some amount of religious teaching. Surely, this is evidence enough that we are acting from principle in this matter, and not, as alleged, from sectarian jealousy and pique. But we have another objection to this clause, and that is—that it tends to obstruct the development of a really national system of education. I have always thought it a great calamity that when the education question was taken in hand in 1870, some attempt was not made—without doing any wrong or injustice to existing schools—to lay, at least, the foundations for what might ultimately become a national system of education. I am not going to indulge in any denunciations of denominational schools. I have, on several occasions in this House, paid my sincere tribute of respect to the valuable services they have rendered in times past to the cause of popular education. I am not going to recant one word of what I said on those occasions. But, surely, it must be admitted that a denominational system cannot be a national system. It is only necessary to announce the proposition to see its absurdity. To say that a sectarian system can become national, is a contradiction in terms. There are only three conditions on which it is conceivable that such a state of things would be possible, and none of them exist in this country. First, we may conceive of it under an absolute despotism, when the Government imposes its own creed, or the creed it patronizes, on the people. This was tried long enough in this country as respects adults,

and we know with what results. The time for that, at any rate, is passed away for ever from this country. The second condition is, where there is uniformity of creed among the people, when they are all of one religion. But, owing to the unbounded liberty of thought and utterance, which we happily exercise in this country on religious as on all other subjects, there is a great variety of opinion amongst us. The third condition is, when utter indifference reigns on religious questions; when the people regard all religions as equally true and equally false, or as a thing in which they take no interest. I am thankful to say this is not the case in this country. Sometimes the opposition to denominational education at the public expense is ascribed to hostility or indifference to religion itself. But it arises, in fact, from an exactly opposite source. It is just because we have an earnest, religious life in this country, because the various Christian denominations hold their faith with the tenacity of real conviction, that it is impracticable without doing violence to the consciences of multitudes, to teach religion with money taken out of the taxation of the country. And this is becoming less and less possible everywhere. Last autumn and winter I visited several of the countries of Europe. I tried to take advantage of the occasion to make inquiries on the subject of education. I found the religious difficulty embarrassing them everywhere, as it embarrasses us in this country, and I found, moreover, opinion everywhere gravitating to the conviction that the only escape from the difficulty consists in making the schools, so far as they are dependent on public funds, entirely unsectarian. In Holland the State system of education is substantially secular. There are some dissatisfied with this, and denominational, or, as they are called on the Continent, confessional schools have been established by extreme Protestants and by extreme Catholics. But the Government steadfastly refuses to grant them any aid from the national Exchequer, on the ground that it is not just to apply public money to the teaching of sectarian doctrines. The same state of things exists in Hungary. When I was in Pesth in October, I had the honour of an interview with Mr. Trefort, the Minister of Education. He said there were many, both among Protestants and Ca-

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tholics, who preferred to have schools of their own to sending their children to those provided by the State. "But do you make them any grants from the public Treasury?" I said. "No, we never do that; if they have schools in which they insist on teaching their own tenets, they must support them with their own means." The same is the case in Italy, where they are making heroic efforts to overtake their educational deficiencies. The schools established by the Government are generally unsectarian, sometimes purely secular. I visited several schools in Rome where this was the case. In one of the communal schools I asked the lady at the head of it—"Do you give any religious instruction here?" Her answer was—"The children who come to this school are Catholics, Protestants, and Jews, and what religion can we teach without affronting somebody's conscience, or giving rise to the suspicion that we are trying to proselytize?" There is one other objection that we have to this clause, and that is that it violates the sound principle that taxation and representation should go hand in hand. Under this clause the ratepayers are compelled to contribute to the support of institutions over which they have not the smallest control. This was one of the reasons assigned by the late Prime Minister for rejecting any kind of relation between school boards and denominational schools, because he said—

"If a payment were made out of the rates as to which the ratepayers as such were not consulted, and over which they had no control, it might become a cause of discontent and exasperation."

But let us now inquire what are the arguments in favour of the 25th clause? There is but one, at least—only one avowed. No doubt it is supported by some because it favours denominational schools. But that is not the reason assigned. The reason assigned is, that it is necessary to maintain it out of respect to the parent's conscience. I must say that this reverence for the conscience of parents is a new-born feeling among many of those who now most loudly proclaim it. We cannot forget that for a whole generation they resisted with might and main every species of Conscience Clause. I can give the House a crucial example of this. In 1846 the National School Society turned its atten-

tion to the Principality of Wales. It issued a special appeal for funds to enable it to establish schools in that part of the country. Now, in Wales the overwhelming majority of the people are Nonconformists. According to the estimate of one of the most intelligent and experienced of the Government School Inspectors, nine-tenths of the common people of Wales, those for whom such schools had to be provided, are Nonconformists. That being the case, a suggestion was made that it would be desirable in such a population to relax somewhat the rules of the National Society and have a freer system of education. This was peremptorily refused, and the fundamental regulations of the Society rigidly adhered to—that the children were to be instructed in the Liturgy and Catechism of the Church of England, such instruction to be subject to the superintendence of the parochial clergyman, the children to attend service in the parish church, and the masters and mistresses to be members of the Church of England. These rules were in many places ruthlessly enforced, without the smallest regard to the convenience of the parent. But then it must be admitted that those parents were only Methodists and Dissenters. Now, we are told that parents desire not only religious instruction, but distinctive religious instruction in the day schools. But conjointly with this there is another assertion made which seems to me utterly inconsistent with it—namely, that so absolute is their indifference as to what shall be taught their children in the form of religious instruction, that children of all sorts and of all sects are allowed to learn the Church Catechism without the slightest objection or remonstrance on the part of their parents. This is constantly made a matter of boast. I have heard it boasted of in this House and out of it. We are told that there is no religious difficulty—that the children of Roman Catholics, of Jews, of Unitarians, of Baptists, of Methodists, and Independents are permitted without scruple to learn and recite the Church Catechism in national schools. Now I want to call attention to the extraordinary laxity of principle and conscience that is involved in such a boast as this. Either the Church Catechism is an utterly unmeaning and insignificant formulary, or it is, as I have

no doubt it is regarded by those who adopt and use it, an important summary of doctrine bearing relation to some of the most solemn and momentous truths of religion. But if it be so, what can we think of those who boast that they teach this Catechism to little children on whose lips it cannot be any other than a deliberate falsehood—teaching the children of Baptists that they have been regenerated in baptism when they have never been baptized at all, and the children of all Nonconformists that their godfathers and godmothers have promised and vowed to do certain things for them, when they have never had any godfathers or godmothers at all? This is not a question of doctrine, but of simple morality, and of teaching little children to lie in the name of religion. I am happy to be able to fortify my own views on this subject by the authority of the most distinguished Prelate now on the bench, the Bishop of St. David's. The Bishop is a high-minded and conscientious man, and he was revolted with this practice of which so many boast. In one of his Charges to his clergy he spoke of it thus—referring to a poor man, who, in the absence of any other means of education for his child but what is afforded by a national school, where the teaching of the Church Catechism is enforced, sends it there. He says—

"Few, I think, will be disposed to condemn him very severely if he yields to such a temptation. But in the eyes of a clergyman who attaches supreme value to a 'definite, objective, and dogmatic faith,' he must appear to be guilty of a breach of the most sacred duty; to be bartering his child's eternal welfare for temporal benefits; to be acting a double part, allowing his child to be taught that which he intends it to unlearn, and to profess that which he hopes it will never believe. Can it be right for a clergyman holding such views, to take advantage of the poor man's necessity and weakness, for the sake of making a proselyte of the child? Is he not really bribing the father to do wrong, and holding out a strong temptation to duplicity and hypocrisy, when he admits the child into his school on such terms? And when he enforces them by instruction which is intended to alienate the child from the father in their religious belief, is he not oppressing the poor and needy? I can understand, though I cannot sympathize with it, the rigidity of conscience which closes the school against Dissenters, but I cannot reconcile it with the laxity of conscience which admits them on such terms."

I confess I fail to see the violence done to the conscience of a parent by sending his child to a school where his own religion is not taught. I can perfectly

understand a man's conscience being outraged if his child is taught some form of religion of which he disapproves. I can understand how a parent might prefer to have his own religion taught along with secular instruction. But how his conscience can be wronged by having the elements of sound secular knowledge given to his child by themselves I am at a loss to conceive. Can any man's conscience be hurt by your training his child to read, write, and cipher? Can any conscientious objection exist to the multiplication table? But then we are told you cannot separate religious from secular education. My answer is that you do separate them. Your whole system of education under the Act of 1870 itself, is founded on the assumption that you not only may, but that you must absolutely separate the two, for that surely is the meaning of your Time-Table Conscience Clause. On this point of the poor man's conscience I should like to cite a few sentences from an article which appeared not long ago in *The Times*. I do so for this reason. That powerful journal feels little favour for, and does scant justice to the Nonconformists. When, therefore, it says anything on our side of the question, it must be regarded as having all the more force. These are the words—

"What violence is done to the conscience of a parent who is *ex confesso* unable to give a child any secular education, in requiring that the child be sent to a school where so much knowledge at least can be obtained, and leaving it open to the parent to secure religious education from any one of the numberless voluntary agencies ready to give it gratuitously? We have heard of a conscientious convict who objected to picking oakum without having a crucifix before him to steady his thoughts, but his scruples were disregarded by the governor of the prison where he was confined. A child taught in a mixed school is not prevented from being taught elsewhere the faith of the strictest of sects, and the worst that can be said of its education is that it is imperfect."

Now, will hon. Gentlemen reflect for a moment on the principle that really underlies the argument in favour of this clause? You say it is a wrong to the poor man to send his child to a school where his own religion is not taught. In that case, the principle involved is that a man has a right to demand that the community should find money to educate his child in sectarian dogmas. Have you considered where that would lead you? If the conscience of the

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parent is to be the standard of religious education, then we are clearly driven to the conclusion that the State must provide separate schools for every denomination, where their peculiar tenets, so far at least as parents may think them of essential importance, must be taught. For that appears to me a most extraordinary conscientious right which comes into play only where there is more than one school, but has no existence at all where there is only one. To enable the parent to exercise this right of choice, which you say is the Palladium of religious liberty, you must provide him with his own school, in order that he may choose it. This is concurrent endowment with a vengeance. On this principle, why do you refuse the Roman Catholics their denominational University endowed by the State? Why do you not yield to the Roman Catholic priests in Ireland the right they claim to have the whole system of primary education delivered over to their absolute control? I dare say they could make out a plausible case that the conscience of the Irish Roman Catholic parent requires this. Nay, you cannot stop there. I understand that the Chinese, who have settled in large numbers in Australia, have actually applied for a grant from the public funds for the support of their religious observances. And when they come to establish schools, may they not say that the consciences of their parents require that you should pay for teaching the tenets of Confucius in those schools? Sir, there is no man to whom I should have appealed with more hope in regard to this matter than to the noble Lord the present Vice President of the Council. I believe him to be a man of a liberal spirit, and of generous sympathies. But, unhappily, he has received this as a baleful inheritance from his predecessor; and, unhappily, also, his own Leader, in an evil moment, has chosen to adopt "this miserable twopenny-halfpenny clause," as it was once called by the right hon. Gentleman the Member for Bradford. I certainly think that the present Government might have dealt with the question in such a way as would have done honour to themselves, and given satisfaction to the country. I must therefore leave the question to the decision of the House, with the full conviction that if they consent to accept

my Bill they will remove from the Education Act a provision which can do little good to anybody, but which is a stumbling-block and a rock of offence to many, infusing an element of bitterness and discord into school boards over the whole country—leading to miserable scenes of distraint, such as we had hoped had passed away for ever with the abolition of church rates, and placing a serious obstacle in the way of the satisfactory and harmonious working of the Act for promoting the education of the people. The hon. Member concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Richard.*)

MR. ISAAC: I cannot reconcile it with myself to say one word on the subject of the Motion of which I have given Notice without disclaiming the slightest distrust of the unfaltering zeal and sincerity of those who have hitherto been regarded as the champions of religious education in this House. I cannot look around without being gladdened by the presence of right hon. and hon. Gentlemen who have never wavered in their loyalty to the 25th clause, and who have lost no opportunity of vindicating its usefulness. It might be asked, Sir, why, under these circumstances, I who have to contend with an unpopular faith, and being unfamiliar with the customs of this House, should be so presumptuous as to take this step; but it seemed to me peculiarly fitting that one whose return to Parliament was largely due to his advocacy of the 25th clause should move the rejection of this Bill. With this view, Sir, I ventured to place my Notice on the Paper. I desire to have the question discussed apart from all party feeling—it is not a question for either this or the other side of the House; it matters not whether on the one side we find the Birmingham League, or on the other side the Manchester Union; the question is one of national importance, and was so considered by the right hon. Gentleman the Member for Bradford, when he introduced his Education Bill in 1870. With your permission, Sir, I will read from *Hansard* two short extracts from the right hon. Gentleman's speech on that occasion. He said—

"I need not detain the House with any reasons for bringing an Education Bill forward, nor need I ask hon. Members opposite to divest themselves of all party considerations in regard to this measure. I will not ask them to do so, because I feel confident they will do so. There never, I believe, was any question presented by any Government to this House which more demanded to be considered apart from any party consideration; nor do I believe there ever was a House of Commons more disposed so to consider it than the House I am now addressing. Before I enter into details, I will make one remark with regard to the spirit in which the Government has framed this measure. I rejoice that of late the country has manifested so much interest in the subject. A great many meetings have been held, and, as was naturally to be expected, those who take part in them have divided themselves, more or less, into two camps. Those engaged at present in educational efforts endeavour to take care that they should not be unduly interfered with, while, on the other hand, those who say there ought to be a great improvement advocate systems more or less new. I have seen it stated that the Government measure will be a compromise between these two principles; but I may at once say that the Government has not brought forward this measure with any notion of a compromise. It is a measure too important to be dealt with in such a manner. It is our duty to look at the question on all sides, and without professing that we, and much less I, know more about this question than those gentlemen who have been doing their duty in pressing their particular views on the attention of the country, yet it is our duty to look around the question on both sides of it, and to consider the lessons of the past as well as the wants of the present."—[3 *Hansard*, cxcix. 439.]

"The first problem, then, is, 'How can we cover the country with good schools?' Now, in trying to solve that problem there are certain conditions which I think hon. Members on both sides of the House will acknowledge we must abide by. First of all, we must not forget the duty of the parents. Then we must not forget our duty to our constituencies, our duty to the taxpayers. Though our constituencies almost, I believe, to a man would spend money, and large sums of money, rather than not do the work, still we must remember that it is upon them that the burden will fall. And, thirdly, we must take care not to destroy in building up—not to destroy the existing system in introducing a new one. In solving this problem there must be, consistently with the attainment of our object, the least possible expenditure of public money, the utmost endeavour not to injure existing and efficient schools, and the most careful absence of all encouragement to parents to neglect their children. I trust I have taken the House thus far with me. Our object is to complete the present voluntary system, to fill up gaps, sparing the public money where it can be done without, procuring as much as we can the assistance of the parents, and welcoming as much as we rightly can the co-operation and aid of those benevolent men who desire to assist their neighbours."—[*Ibid.* 443-4.]

At the late General Election in very many

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places this was made a test question, and the evidence of opinion in favour of the 25th clause was indeed overwhelming to an extent, to my mind, to satisfy the adherents of the Birmingham League. The right hon. Gentleman the Member for Greenwich, in a speech made at Haverdham, spoke in favour of the voluntary system, and though his remarks only applied to that parish directly, yet as the same circumstances are to be found in most places, his speech acquired the widest significance. The right hon. Gentleman the senior Member for Birmingham (Mr. Bright), in a recent letter said—

"The people of this country are generally in favour of some religious instruction, and that a national system of education ought to be based on religious instruction."

If I am correct in my ideas, the very men who are now agitating for the repeal of the 25th clause formerly supported the very same principle—the payment of the fees of indigent children—and did not oppose this clause when the right hon. Gentleman opposite introduced his Bill in 1870. What is this clause? It provides for the education of the children of the poor; it enables the parent to select the school to which the child shall go; it provides for the payment of the school pence in cases where the parents are too poor to pay them, and it also provides that such payment shall not pauperize the family. Surely the abolition of this clause would be an infringement of the rights of the people, and notwithstanding the arguments that may be used in support of the Bill, I contend would be the first step to eliminate religious education from this great Empire. I am most anxious that every child shall be educated, and that proper accommodation shall be provided for them; but, Sir, I am also for maintaining in their entirety all the existing schools, supplementing them as is intended by the Act of 1870, with school board schools when required; but I strongly deprecate the desire that exists with those who support the Bill before the House, to build schools in competition with, and for the purpose of the ultimate destruction of existing schools. It would be a distinct violation of conscience to compel a Roman Catholic to send his children to a board school, simply because of his poverty. That would be treating him

worse than a criminal or a pauper. What an outcry would be raised if a Nonconformist child were compelled to attend a Roman Catholic school. The same principle would apply in the case of attending British, Wesleyan, or National schools. An incident which occurred at the Nottingham School Board will serve to illustrate many others in the working of the 25th clause of the Education Act. A poor woman appeared before the Board with her three children, all in mourning. They were recognized by a member of the Board, who had visited the father in his sickness, the children attending the National and Sunday School with which he was connected. The woman stated her case with tears in her eyes, the poor fatherless children evidently anxious at the mother's grief. She had recently lost her husband, the bread-winner. All their little savings had been expended during his sickness; she was struggling to maintain her four fatherless children; she did not want to apply for parish relief, she hoped to be able to do without that; but she wanted to give her children an education. Could the board assist her by paying the fees for a time for three of her children? The request was of course granted, without the children being removed from the school to which they were attached, and without being branded as paupers. What would have been the feelings of a member of a school board who must have said "No! you must apply to the parish;" or, "Yes! but upon one condition only—the children must be taken from their present school and sent to a board school!" All previous school attachments must be snapped asunder, just at the time when the widow and orphans needed additional sympathy. I am sure that nothing but a sense of duty from his point of view would have prompted the hon. Gentleman the Member for Merthyr Tydvil (Mr. Richard) to undertake an enterprise so hopeless as this must be. We have been told that this clause is a violation of religious equality, and that religious instruction of the poor ought to be provided for, unconnected with the schools. Sir, I yield to no Member of this House in my watchful jealousy of the principles of religious equality. To it I am indebted for my seat here, and great privileges elsewhere; but I wholly fail to discover

in the operation of this clause the slightest infringement of that principle whatever, nor has the hon. Gentleman the Member for Merthyr Tydvil in any way helped to disclose it. If religious instruction is to be given unconnected with the schools, I would ask, who is to give it? If the parents, what time have they to devote to this purpose, admitting they are capable of imparting religious instruction? The conditions of industrial life would prevent its accomplishment, because the hours of labour are such as to interfere most seriously with domestic intercourse. In a recent debate, this House was horrified and pained to learn to what a fearful extent the dwellings of the poor in the metropolis and large cities were overcrowded; how several families were compelled to live in one apartment. Let me ask, Sir, what kind of religious education could be given under such circumstances? If the clergy are to impart religious education unconnected with the schools, I would ask, Sir, if they are not in all large cities and parishes already very much over-worked? Those who know anything of parochial work, well know that it leaves no time for functions such as these. What with the services of the Church, and the visitation of the sick and aged, the clergy have but scant leisure for necessary study. Would it be possible for Sunday school teachers or Scripture readers to undertake the task? I would ask where this religious instruction could be imparted other than in the schools? I am quite certain it could never be given in the separate homes of the children. The Bill is based on the non-recognition of voluntary schools, and aims at the general prevalence of the school board system. This will entail an enormous annual increase upon our already over-burdened local taxpayers for—(1.) School Buildings. (2.) Maintenance. (3.) Efficiency—As to School Buildings. The average cost to the State for the education of each child in a denominational school is only about 10s. per annum—maintenance of buildings, teachers, and everything else included; but many school boards have more than doubled this charge on the rates for the mere erection of buildings without any item for maintenance, which is exceedingly more costly when done by the school board—with all its red-tape and

officialism—than by voluntary managers. For instance, in Bradford, Yorkshire, £26 10s. per scholar is being expended in buildings; this, at 5 per cent, would give an annual charge of nearly 30s., equal to three times the present cost to the State for both building and maintenance of voluntary schools. £15 per head is a common estimate with many boards, and only in rare instances has it come down to £10, or little less. Taking £15 as the average building cost for each child, it would require the sum of £36,000,000 to provide the same amount of school accommodation as is now in possession of voluntary school managers. On the other hand, the total sum granted by Government during the 34 years from 1839—the year in which Building Grants were first made by Government—to 1873, was less than £2,000,000. Divided amongst the various denominations, the Return of accommodation is—

Denominations, and total number of children to which these Returns refer:—

Schools connected with <i>National Society or Church of England</i>	1,451,606
<i>British, Wesleyan, and other Schools not connected with Church of England</i>	433,426
<i>Roman Catholic Schools</i>	125,697
<i>School Board Schools</i>	111,286
Total	2,122,015

Next, as to Maintenance. It appears from the Return presented by the Education Department to this House on the 5th of May this year, that 2,010,729 children were last year receiving education in voluntary schools at a cost to the State—that is, a charge upon the rates or taxes—of under £850,000—that is, 8s. 5d. per head. On the other hand, 111,286 children were last year receiving education in board schools at a cost to the State—that is, a charge upon the rates and taxes—of over £400,000, being over £380,000 from rates, and £14,287 Government Grant—that is, £3 12s. per head, as against 8s. 5d. in voluntary schools, or nearly nine times the expense to the State. This alarming cost under the board system, as compared with the voluntary, arises from the fact that in the latter the buildings have been given and do not figure in the estimate, and the services of costly school board officials are voluntarily rendered. That this latter

is a heavy item may be inferred from the fact that, by the Return presented to this House on the 23rd of April last year, out of a total expenditure of over £325,000 by school boards, only one-sixth of this sum was expended in maintaining schools—that is, out of every £1 from rates, 16s. 8d. was leakage; whereas, under the voluntary system, out of every £1 given, over 19s. is expended in the actual work of education, and the leakage only a few pence. It appears that from rates, taxes, and loans, the school boards have had over £2,000,000, whilst the number of children under instruction is only a trifle over 111,000. Lastly, as to Efficiency. By the Return before referred to, the voluntary schools appear to be in a much higher state of efficiency, the grants upon examination being higher—namely, school board schools, 9s. 10½d., while the average for the voluntary schools is over 12s. The passes in board schools were only 57 per cent, while the passes in the voluntary schools averaged over 61 per cent; and a Return of this House—ordered on the Motion of Mr. G. Hardy, issued April, 1873, showing gross costs and net results in round numbers, covering the two years of the Act, shows these results—

	£
1. Cost of first elections	25,000
2. Expenses of filling vacancies	3,800
3. Establishment expenses	64,000
4. Erection of schools	124,700
5. Maintenance of schools	57,500
6. General expenses	62,000
7. Outlay under 25th Clause	5,500

This Return, therefore, shows that the expenditure under the 25th clause is less than 2 per cent on the gross outlay. Gross sum spent on and by boards, £350,000—of this sum, in education, only one-sixth has been spent. Under the 25th clause, cost of children in denominational schools, is 8s. or 9s. each; cost of children in board schools, £5 per head. Sir, the arguments with which I have attempted to commend my Motion to the House, are conceived in a practical spirit; but I am not unmindful of the graver aspects which this question must wear to many minds—larger issues are involved than appear on the surface—it is not merely a controversy as to whether

the 25th clause does or does not outrage the scruples of a faction, it is a struggle in which the existence of religious education, as a national system, is involved, and the settlement of which must determine the moral future of this great Empire. These may appear strange words from a Jew; but, though I am a Jew, I am none the less an Englishman. I can perceive that a blow at the 25th clause would be a national calamity. I have been content to adduce a few business-like considerations, to show that the opposition to the 25th clause is ignoble and selfish, that it is inconsistent with the civil and religious rights of the people. I cannot sit down without entreating the House not to dispose of this question without reference to the larger considerations with which it is bound up, without having in distinct view the probable and certain consequences of the elimination of religious knowledge from a national system of education—to say nothing of the monstrous breach of faith with those who have accepted the Act in all loyalty as the basis of generous and public exertions—which would be precipitated by the adoption of a Bill, I shall ever regard it as the chief honour of my life to have opposed the first time I ventured to claim your attention in this House. I beg to move the Amendment that stands in my name, that the Bill be read a second time on this day six months.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Mr. Isaac.*)

LORD FREDERICK CAVENDISH said, that as in many of the opinions expressed by the hon. Members who had already spoken he could not concur, he trusted he would be permitted to express his own. The hon. Gentleman who had just sat down (*Mr. Isaac*) seemed to associate with the result of the Motion, the continued existence of our voluntary schools; but a slight investigation would show that however important in other respects the clause might be, as regarded the maintenance of those schools, it was absolutely unimportant. Nor could he concur in the view of his hon. Friend the Member for Merthyr Tydvil, that the clause violated

and was contrary to every principle of religious equality and the rights of conscience. To that doctrine he could not subscribe. The hon. Member had lost sight of the fact that with the exception of Birmingham and one or two other places, the school boards all over the Empire had adopted the principle of religious instruction. Neither could he agree with the right hon. Gentleman at the head of the Government, who, in one of his election speeches, said that those who were in favour of the 25th clause were in favour of religious education, and those who were opposed to it were in favour of mere secular education. He would take what he thought to be a more practical view, and ask what had been the effect of the working of the clause. From a Return laid on the Table of the House last year, it appeared that a sum slightly exceeding £5,000 had been handed over from the rates to the various voluntary schools, and of that sum about 70 per cent had been paid by the two school boards of Manchester and Salford. Comparatively few of the school boards had at that time adopted the principle of compulsion, and it was naturally to be expected that when they would, as they had since done, that sum would be largely increased. Instead of that, however, it appeared from Tables furnished to the House that the £5,000 had fallen to £4,000, a considerable portion of which was doubtless paid for the children of out-door paupers, a charge which, under the Act of last year, would not in future have to be borne by school boards. Next year, therefore, he believed the sum to be given under the clause to voluntary schools would not exceed £1,000 or £2,000. On the other hand, the sums voted by Parliament for those schools had risen from £700,000 in 1872 to over £1,000,000 sterling in 1874, and that, in his opinion, was a pretty good proof of the success of the present system of education. How, then, in any aspect of the question, could that trifling sum of £1,000 or £2,000 be considered important as affecting the future existence of the schools? It was objected that the clause was opposed to the conscientious scruples of a large section of the community; but in matters of conscience they must act on the principle of doing as they would be done by, and on that, he for one should always be prepared to

act. The question, then, was, whether the object in view could not be effected in some manner which would not have that effect. An Amendment had been proposed by his right hon. Friend the late Prime Minister, when the Education Bill was before the House, with a view to protect voluntary schools from the interference of school boards, and in practice it had been found that there was no such interference. One effect of the clause, however, was to produce exciting contests at school board elections; and this, he thought, it was very desirable to avoid in order that the best men might be elected, irrespective of what their opinion as to the 25th clause might be. For these reasons he was anxious to see the clause removed; but fair weight ought, on the other hand, to be given to the arguments of those who supported the clause, the principle of which was that parents ought to be allowed freely to select the schools to which they desired to send their children. Well, but could not that object be attained without incurring all the inconvenience attending the working of this clause. Could not for that purpose that miserable sum of from £1,000 to £2,000 be privately subscribed by those who already contributed over £500,000 out of their own pockets for the maintenance of the voluntary schools? The sum was insignificant, the advantage to be gained was immense. The voluntary schools were now educating freely no fewer than 66,000 children, and there were but 13,000 being paid for out of the rates. He thought, therefore, it would not be at all an unfair thing to say to the managers of the voluntary schools before the next Parliamentary Grant was made, or an unfair condition to impose on them, that they should take and educate those 13,000 children free of fees. If the House received an assurance from the noble Lord the Vice President of the Committee of Council that this suggestion would be considered with a view to a solution of the existing difficulty, he hoped his hon. Friend would withdraw his Motion; if not, he should feel bound to support the second reading of the Bill.

COLONEL MAKINS protested against the assumption by the Birmingham League of the custody of the national conscience in the matter of religion. Brass, it was well known, was the

staple commodity of Birmingham; but that scarcely accounted for the pertinacity and boldness with which the League had tried to force their views down the throat of the nation. They did not even represent the views of the Nonconformists on the question. A Barrister had just told him in Westminster Hall that—though he was a Liberal and a Dissenter—the League had, in his opinion, gone mad on this question, swallowing the camel of State aid to denominational schools, yet straining at the gnat of local rates for the same purpose. This was essentially a poor man's question. The Bill would place the poor man in a worse position than that of a criminal. The latter was entitled to the services of a minister of his own communion; but the poor man, perhaps rendered poor by the school board rate—the last feather which had broken his financial back—would be debarred from the choice of a school for his children. National was not, as the author of the Bill appeared to think, synonymous with secular education, but was the system approved and accepted by the nation—not that advocated by a small minority. Though peculiarly of small importance, the 25th clause involved a principle dear to the immense majority of the people, and the right hon. Member for Bradford (Mr. W. E. Forster) had been returned—not only in spite—but because of the factious opposition offered by the League to his re-election. The Bill might prove a step towards the introduction of Atheism and Republicanism, which had proved so disastrous in a neighbouring country, and if its supporters desired to enjoy the continental system, they had better become domiciled in Holland or Switzerland.

MR. DAVIES said, that while left free on every other subject, he was desired by the deputation which invited him to enter Parliament to oppose the 25th clause. That clause had vexed millions of the best men in the country, and a paltry £2,000 a-year was not worth all this contention. Hon. Members might subscribe the whole sum without being hurt. He believed the clause had not been put in operation in a single case in Wales. As a member of the first school board in England, though it was in Wales, he could testify to its being inoperative in his own neighbourhood.

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MR. SALT said, their object should be to ascertain the best method of carrying on the elementary education of the country. He opposed the absolute and unconditional repeal of the clause, though he admitted there were difficulties in working it. There were two reasons why he could not give his vote for a Bill which proposed, without any conditions or modifications, to repeal the 25th clause. The clause contained the very valuable principle that it should be the right of any man, however poor, to choose the education and the school for his children; and he believed that principle was in accordance with the views of at least nineteen-twentieths of the people of this country. Another reason why he held by this clause was that, if they proposed a system of compulsion, they arrived at a point where they compelled people to send their children to school who manifestly had not the means of paying for them, and at the same time did not provide the means of paying for that education. He could not see why Dissenters should think this small contribution from the rates to denominational schools a grievance, while they offered no objection to Parliamentary Grants, payments by Boards of Guardians, and the rent paid for chapels and other buildings hired by school boards. Though the grievance, however, might be a sentimental one, it was to be regretted that school board elections should excite ill-feeling among neighbours which it might take years to heal, and should involve the waste of much energy, time, and money. Local subscriptions could not be expected universally to provide the amount, but it might be paid through Boards of Guardians, or—which he should prefer—school boards might certify to school managers that certain children were unable to pay, and the Education Department might then pay the fees, or a portion of them. The plan had suggested itself independently to himself and others, and he was anxious in some way to remove the existing irritation, the inconvenience of which as a member of a school board he had personally experienced.

SIR HENRY HAVELOCK said, he rose to support the Bill, relying on the generous consideration which the House never denied to new Members. He said it was a melancholy fact that while in the work of education all creeds and

classes should be united, the 25th clause, trifling as was the money value involved, had divided the nation into two great hostile camps—the Church on the one side, and the Nonconformists on the other. Yet, although there were few subjects which had been brought before the public so prominently as this, which had been made a rallying cry during the last election, probably there was no subject to which public attention had been directed which had been so entirely misrepresented, and in regard to which the point at issue, as had been seen in the debate that day, had been so completely lost sight of. He could give no stronger illustration in support of that assertion than a quotation from a speech of the right hon. Gentleman the First Lord of the Treasury, who, in addressing the electors of Buckingham on the 10th of February last, was reported to have said—

“ This 25th clause may be considered a symbol of the whole question of secular education; those who are in favour of this clause are in favour of religious education, and those who on the other side are against it—in favour of secular education.”

He would undertake to say that no greater fallacy had ever been uttered by a great statesman. This clause had nothing whatever to do with either the abolition or the maintenance of religious education. If this clause was swept away to-morrow, his contention was that religious education would not only not be hindered, but would be very much improved and strengthened; and it was because he held that view he now addressed the House. Nonconformists had been charged, and the charge was distinctly implied, if not stated in so many words, in the speech of the right hon. Gentleman the First Lord of the Treasury, with a desire to banish religious education from schools. Speaking on behalf of his Nonconformist brethren throughout the Kingdom, he said there was no assertion to which he could give a more distinct or emphatic denial. They had no desire to banish religion from the schools. On the contrary, they desired that religious education should be strengthened and improved by being placed entirely in the charge of those who were acknowledged throughout the country as the persons who were most fitted to undertake it—namely, the religious teachers and clergymen of the va-

rious denominations, and the members of their congregations specially appointed for the purpose, and by being taken out of the hands of the schoolmasters, who were not equally competent to undertake the task. He believed that the principle of the sub-division of labour so universally acknowledged in other matters, could be most beneficially applied in this, and that much would be gained by separating religious and secular education. Their proposition, therefore, was that on each day of the week, at hours so arranged as to prevent inconvenience, religious teachers of each denomination, or other persons appointed by each denomination, should have access to the children of their congregations in separate rooms, for the purpose of religious instruction. This would be the best means, and, in fact, the only means by which perfect religious equality could be obtained in matters of education; and the only way in which children of all creeds could be educated side by side in harmony and peace. It was futile to expect religious teaching free from denominational bias. If the Bible was explained in schools, the exposition would inevitably take a colour from the religious views of the expounder. Therefore, Nonconformists said let the Bible be read, but let it be done only by the religious teachers of each denomination. What objection could there be to this proposition? It could not be said to be a merely theoretical proposition, for it had successfully stood the test of long trial in several directions. In the Army this was the plan which had been in use for many years past, and by which the children of our Roman Catholic and Protestant soldiers had been taught side by side in harmony and peace. The proposal had had a fair trial on a small scale at Birmingham, and there it had been completely successful. He said without hesitation, this was the only means by which they could ever solve satisfactorily this growing religious difficulty, and any other scheme must fail, for it would be a shallow subterfuge. And when so moderate a proposition was resisted, what could they possibly think? One suggestion might be made, but he would only submit it for the purpose of withdrawing it almost immediately. Was it possible that the clergymen of the Established Church were not equal to the additional labour which such

a scheme would impose upon them? Was it possible that while desiring to maintain the whole religious education of the country in their schools under their own supervision, they also desired to cast the burden of giving religious instruction upon the schoolmasters, instead of giving it themselves, thus placing schoolmasters in the subordinate and anomalous position of their servants, instead of being the trusted and honoured servants of the State? He would not entertain such an idea for a moment. He recognized too much and honoured too fully the disinterested labour of the clergy of the Church of England to give this supposition more than a passing notice. But he was certain that Nonconformists were perfectly prepared to be put to the test, and to undertake the whole of the religious education of the children of their several denominations in school, and to relieve the State and State schoolmasters of the work. He threw out this challenge in a spirit of honourable and generous rivalry. Here was a field of labour where the Church and Nonconformists might enter into honest competition, which could harm no one, and must undoubtedly result in great benefit both to religion and the State. This was their answer to the absurd and mendacious cry, that the Nonconformists desired to exclude religion from their schools. He had not so far touched upon their objections to the 25th clause, but he ought now to point out that when they took their money, levied under the first section of the clause, and applied it to the education of pauper or indigent children in religious directions opposed to those of the Nonconformists, they revivied in the worst and most exaggerated form the religious grievances of which church rates, now happily abolished, had once been the symbol. With regard to the second part of the clause, which merely provided that these fees should not be paid or withheld on consideration of a child attending any school other than that which the parents selected, all necessity for it could be done away with by the abolition of the first part of the clause. It had been said that by abolishing this part of the clause, they would prevent the parents from having free choice of school. That was as preposterous a fallacy as the one he had already disposed of. As to the allegation that Nonconformists desired to ex-

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clude religion from their schools, was it possible that they whose constant contention for years past had been for liberty of conscience, should now desire to fetter the consciences of their indigent fellow-countrymen, by restricting the choice of the school to which they could send their children? By all means let parents have full liberty to choose the school which their children should attend; but, if the parent selected a denominational school, a school of the Church of England or of the Church of Rome, do not burden the consciences of Nonconformists by compelling them to pay for the teaching of religious doctrines of which they disapproved. The difficulty would be removed by getting rid of the payment of the fees of children at denominational schools, and a proposition on that point had already been made by the noble Lord the Member for the North West Riding, in which he entirely agreed. This, then, was all that would happen if the second part of this clause was repealed, while the parent's liberty of choice would remain as great as at present. This was all that the repeal of the 25th clause involved. Was it too much to ask for the removal of a grievance imposed by law, and bearing so hardly upon them, when its removal would inflict no inconvenience upon others? Next, he came to the cost of the abolition of the clause, and it was so trifling that it seemed ludicrous to put it forward as a reason for maintaining the clause. The whole sum involved did not amount to £5,000 annually, and what an insignificant amount this was when compared to the £56,000 which Church of England schools annually received in educational grants from taxes raised equally from Dissenters and Churchmen. These schools, moreover, enjoyed an income from other sources, as shown by the Minister of the Council on Education. According to the Report of 1872-3, they received about £380,000 from voluntary contributions, and the school pence amounted to £405,000; giving them a total income of £1,216,000. Could it be supposed that these Church schools, or the schools of any other denomination, would for one moment be losers by the withdrawal of this small and insignificant sum, which did not amount to one 250th part of their annual income? He was sure that when all right-minded persons, who were inte-

rested equally with them, fully understood the bearings of this question, they would rather raise this trifling sum by voluntary contributions than allow such a miserable amount to continue as the cause of heart-burnings, dissensions, and bitterness between two great bodies of Christian men, who ought to be united hand in hand in one cause. But it was said—"You Dissenters are inconsistent—if you resist the application of your money raised by rates to these denominational schools—when you make no objection to the application of sums raised by taxes to education grants for the same purpose." His answer was that this afforded the strongest proof that could be adduced of the desire of the Nonconformists to act honourably and reasonably in this matter. They did not wish to impede the education of the country, and were ready to let bygones be bygones, although they must resist new burdens of this kind. And, in the opinion of Nonconformists, this question involved matters of religious grievance closely connected in their character with those in opposition to which their forefathers were ready to take up arms or suffer cheerfully at the scaffold or the stake. These things had happily passed away, and their difficulties were settled by the more peaceful agencies of the ballot box and the polling booth. Turning from the pecuniary aspect of this question, he would allude to the part played by this question at the recent elections; and here he would by anticipation ask pardon of hon. Gentlemen if he recalled any unpleasant reminiscences. He supposed it was lukewarmness of the late Prime Minister on this question that caused his return only second on the poll at Greenwich. Then, again, at Bradford, the right hon. Gentleman who had till then been gratefully acknowledged to be a leader in the great work of education was deserted by those who had been his stoutest followers, and only brought in by those who had been his political opponents on all other questions. He trusted that the day was not long distant when the right hon. Gentleman would rally his old friends round him, but it would not be until he came to understand what heart-burnings this question caused, and until he took broader views upon the subject. The Liberal party could never again speak with the autho-

city of a united voice until this religious difficulty had assumed its proper proportions in their counsels, or until they took measures to conciliate their friends and secure the support of the vital force of Liberal Nonconformists. He called upon hon. Gentlemen opposite to avail themselves of this opportunity of doing an act of justice. Nonconformists asked in this matter only for their rights, and they asked it as addressing men whom they believed to be as anxious to do justice to others as to themselves. Therefore, he urged them to remove this painful and invidious distinction, and to unite all classes and creeds once more in the great work of National Education. This was a question above all party consideration, for rich and poor, Churchmen and Dissenters, were alike interested in securing harmony and peace in matters of education. Having endeavoured to remove misunderstanding, he would own he was perfectly confident that when the matter should receive a calm and dispassionate hearing from hon. Gentlemen on the other side, they would be actuated by a desire to deal impartial and even-handed justice, and that like the Nonconformists they wished to promote the cause of harmony and peace in education in this country.

MR. HARDCASTLE said, he wished to show what would be the practical operation of the repeal of the 25th clause of the Education Act in Manchester and Salford. In Salford, when the Act was passed, there was not only no necessity for board schools, but a positive excess of school accommodation existed beyond the amount contemplated by the Government—namely, sufficient for one-sixth of the population. In Manchester there was a deficiency, but it was very small. The school boards of those two places both came to the conclusion—a conclusion in which he perfectly concurred—that it would be better to pay fees to various existing schools than to erect new schools for which there was no present necessity. The amount so paid in fees by the school boards of those towns was about £3,600 a year; the argument in favour of that arrangement being that it was the cheapest mode of educating the children of that neighbourhood. Some credit might fairly be claimed for the progress made there in promoting education under the Act. During the last three years the average

attendance of the children in Salford had increased 44 per cent, having now reached about 70 per cent; and they had the full number on the books, or about one-sixth of the population. That result had been obtained by means of a rate of about one penny in the pound; and in both towns at the last school board election, the advocates of the denominational system were returned by large majorities. The noble Lord opposite (Lord Frederick Cavendish) had remarked that the numbers of children for whom fees were paid were diminishing, but he (Mr. Hardcastle) ventured to say that such was not the case. If the 25th clause were repealed, how, he asked, was education to be carried on in those boroughs which had thus given effect to the Act? Their area was extensive, and it would be a great hardship to compel children to go past a good and convenient school, which their parents wished them to attend, in order that they might go to a board school. On the other hand, it would be absurd and extravagant to incur the great expense of building new board schools where they were not wanted. At Salford, the Inspector's Returns for 1873 showed that the schools were so placed that every child had easy access to them. Moreover, those fees were really paid to the poorest schools, which were already put at great disadvantage by the rule making the Government Grants conditional on the amount of voluntary contributions raised in the parish, and it would, therefore, be an additional hardship to require the schools in poor parishes to waive all claims to those fees, without which it was impossible they could be supported. By transferring those payments, as had been suggested, from the school boards to the Poor Law Guardians, but little or no advantage would be gained, or saving effected, because at present the Inspectors under the school board inquired very carefully into the poverty of parents for whose children the school fees were provided, and the expense would be borne by the ratepayers alike in both cases.

MR. DIXON said, he had listened with some pleasure to the speech of the hon. Member for Stafford (Mr. Salt), because although an opponent of his on that occasion, the hon. Member approached the question in a spirit of great moderation, with a desire to afford the true solution of it. That

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solution—and it was the only one presented that day—was that the fees now paid out of the rates for the children of indigent parents should in future be paid out of the Consolidated Fund. That solution had been offered before, but it rested upon an entire misconception of the difficulty felt by the Nonconformists. Their principle had always been that no kind of public money should be devoted to religious teaching, and it was not true to suppose that in their minds there was any difference of opinion whatever with reference to the source from which the public money might come. It was perfectly true that for some years past the Nonconformists had been resisting the attempt to take the money of the ratepayers for religious teaching; but they had not the less invariably made as strong a protest as it was in their power to make, against any public funds being taken—even out of the Consolidated Fund—for the purpose. They had done what wise men would always do, simply made a strong protest against what they could not resist; and when they thought they had the power to offer some sensible amount of resistance, they had attempted to do so. But if the noble Lord the Vice President of the Council should offer to them, as had been suggested by the noble Lord the Member for the North West Riding (Lord Frederick Cavendish), some other solution of the vexed question, he was quite sure that the Opposition side of the House would be willing to give it a respectful hearing. Was the question really a great one or was it not? If they were to believe the Prime Minister, it was a great one, because the whole question of the religious contest between the Nonconformists and the Church was involved in it. It was a question of the continuance or non-continuance of religious teaching by the State, and in fact almost of the continuance of religion or the cessation of religion. But if it were true that the whole question was to be fought upon this narrow ground, then he would suggest to their opponents, whether they had chosen wisely the ground upon which this great question was to be fought out. If it were true that it was to be fought out upon this ground, then of course all hope of a solution of the educational difficulty for the present must be abandoned. But he, as an educationist, did hope that

such would not be the case, and that the Conservative party would be willing, as he found his right hon. Friend the Member for Bradford (Mr. W. E. Forster) was willing, to approach the question with a view to seeking a solution which would tend to promote a sound and universal education in this country. But, was it a great question with reference to financial considerations? They had just been told that it was so considered in Manchester and Salford. If these were the views entertained by the country at large, he admitted that it would be an important financial question. He had always thought that it might easily be made a large financial question; but they knew as a matter of fact, that the rest of the country had not adopted their views, and there was no appearance of any intention on the part of school boards to do so, and the reason was not far to seek. It was because other school boards were aware that there would be a great amount of resistance to paying out of the rates such large contributions to denominational schools, and therefore they declined to undertake so grave a task. This sum, which the noble Lord the Member for the North West Riding had estimated at £2,000, per annum, it must be remembered would probably be still further diminished by the fact that they were going hereafter to take away from the school board the power of paying for pauper children, and it was very likely indeed that the sum would then be reduced, till it became almost infinitesimal. Then, why should this small payment out of the rates be continued? The Nonconformists, a very large and influential section of this country, felt it to be a grievance. It was with them a matter of conscience, and no one, on whatever side he might sit, could doubt that this question had stood in the way of increased and higher education for the poor. If that were a fact, and it had been acknowledged to be so by almost every speaker, then, what were the reasons why they should hesitate to remove an obstacle of this character? Did the religious difficulty, which was really the one involved, exist to any appreciable extent? The hon. and gallant Gentleman the Member for South Essex (Colonel Makins), had stated that it was a poor man's question, and that they had received a very sig-

nificant hint at the late Election as to which way public opinion went, upon the matter. He was quite willing to concede that it was a poor man's question, and what did the poor men of the country say against it? Were they really so anxious about it? Did they really think that the whole question of religious education was involved in it? He would call attention for a moment to an extract from a letter he received a short time ago from a friend of his who was once a schoolmaster, and who was investigating the educational condition of the town of Blackburn. The writer said that one of the most successful schools there was a secular school, and its advantages were so much appreciated by parents that it was always full to overflowing. In order to learn from the parents themselves what they considered the special merits of the school, that gentleman visited some of the homes, and was told that the chief inducement to send their children was the superiority of the teaching staff. The majority of the parents were strong Church people, and Conservatives; but they were influenced neither by theological nor pecuniary considerations. But he would give another illustration of the extent to which the religious difficulty existed on the part of the parents. It was well known that in Birmingham the compulsory clauses had been applied, and had been successful in increasing the average attendance by 50 per cent. Nevertheless the Board was desirous lately of ascertaining what obstacles existed to the further increase of the attendance of children, because notwithstanding the great increase that had taken place, there was still a large number of children absent from school. A committee was appointed for the purpose, and all the school officers were summoned before the committee to give their experience of the work which they had in hand, and their view of the reason why children were not sent to school in larger numbers. Every reason given by them was discussed, and reported to the Board, and their reasons were carefully considered. The chief opponent of the Birmingham League, a clergyman of a clear and candid mind, and a member of the Board in attending to these reasons, admitted that the religious difficulty was not one of them, and that it did not exist; the only ex-

ception being the case of a few Roman Catholic children. If the religious difficulty did not exist with parents, where did it exist? He believed it was entirely imaginary. As had been truly said, there was a strong conviction on the part of parents, that what they had to look for from public elementary education was the best secular education which it was possible for them to obtain; and as to religious teaching, they were perfectly satisfied that it would be obtained by other means which they were willing to avail themselves of. They had had experience in Birmingham to show that such was the case. The hon. Member for Nottingham (Mr. Isaac), who moved that the Bill should be rejected, had said that he was particularly anxious about the religious education of the children, and that it was on that ground he objected to the passing of the Bill, being afraid that it would lead to the religious education of children being neglected. But the hon. Member answered himself. The hon. Member asked, where, after the passing of the Bill, religious education would be found?—and then candidly enough stated that he belonged to a persuasion which gave religious instruction out of voluntary sources to all the children of that denomination. If the hon. Member was perfectly satisfied with reference to the children belonging to his religion, why should he doubt for a moment that other denominations would be able to provide for the religious instruction of their children? It had been repeatedly stated in that debate that there were grave reasons why denominations should undertake religious education, and how easy it would be for them to do it, and at how little cost. As had been shown, they had received grants of public money so large that the amount required from voluntary sources for giving religious teaching to their indigent children might fairly be required from them. He undertook to say, not merely for the Jews but for every other sect, that they were not only able but willing to give religious instruction, and that the religious instruction so given would be of a very much better, purer, and higher character. Therefore, he could not for a moment admit that the religious difficulty on the part of parents existed. But whatever their views might be with regard to the nature and extent of the difficulty, they

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were all agreed that it was a difficulty of no mean order, and would be in the way of all those who were really anxious for the spread of education in the country. He was one of those who were willing to make great sacrifices in order that education should be improved in quality and increased in amount; and he hoped the noble Lord the Vice President of the Council would be able to submit to the House that day, some proposition which would get rid of this great difficulty, and enable them all hereafter to unite, at any rate, upon one thing—namely, that it was for the interest of the State that the education of the people should progress, and that it should progress rapidly.

Mr. GRANTHAM said, he had listened with surprise to the two speeches which he had heard since entering the House—namely, that of the hon. Member for Sunderland (Sir Henry Havelock), and that of the hon. Member for Birmingham (Mr. Dixon)—and had he not read the Bill which was now before the House, he should have supposed that the question was, whether there should be any religious instruction given in the board schools, or whether it should be left entirely to Sunday schools. He (Mr. Grantham) held, however, that the real question was, not whether the 15th clause should be abolished, but whether the word “shall” ought not to be substituted for “may” in that clause. If it had been enacted in the first instance that school boards should pay the fees for the children of indigent parents attending the schools which the parents had chosen, there would have been no difficulty at all in that matter, and the extreme ill-feeling which had been stirred up in many places on that question would have been avoided. He, like the hon. Member for Stafford (Mr. Salt), had, unfortunately, had experience of the bitterness of feeling that had arisen in the minds of some parties in reference to this question; but he did not see that he and those with whose views he coincided, should be expected to do away with a difficulty, the real existence of which they did not believe in, and for which, at any rate, there was no foundation but which those who differed from them were attempting to create, instead of attempting to remove. Let them, however, look a little closer at the character and conduct

of the men who were asking them to alter that law. Were they not the very men who broke the laws which they themselves had assisted in this House to make? Why did the hon. Member for Birmingham, and others who acted with him, refuse and resist the payment of the rates properly applied for to enable the school boards to carry out the objects of this Act? They had heard not only of Birmingham, but of other large towns, where the local authorities, stirred up by this rebellious feeling, had refused to pay over the amounts required. He (Mr. Grantham) thought it was the duty of every person who had assisted in passing an Act of Parliament to do all in his power to aid in carrying out that Act; but in many towns this disposition to refuse compliance with the Act was shown. Now, to judge correctly the conduct of those gentlemen who professed to have such refined consciences, it was necessary to go back to the time when that Act was passed. Let him remind the House that, at the time that law was passed, the Church of England had in its hands the education of 80 per cent of the children of the country, in schools, erected almost entirely at the expense of its members, throughout the length and breadth of the land. The Nonconformists said that everything they now did was done in conformity with their consciences. But before that Act was passed almost all the children in every part of the country received education in the schools of the Church of England. Nonconformists, and parents of all other denominations, sent their children to the Church of England schools, and there was no instance of violation of conscience, or of the religious difficulty of which they had since heard so much. They paid for them themselves then. Why, therefore, should the hon. Member for Birmingham, and those who acted with him, say now—“We will resist sending our children to those schools, and will not allow the poor to send theirs, even if they prefer it?” Why? How was it, he would ask, that they, who for so long a time allowed their children to be so educated, now tried to do their utmost to prevent the poor child from receiving the education of which he stood so much in need? It might be a question of sentiment on their part; but, let them remember, it was a sentiment opposed

to the Church of England, which was at the bottom of their conduct and their consciences, and that was the reason for their desire to do away with all denominational schools in this country. He should, of course, be as glad as any one that a solution of the question should be arrived at which would be satisfactory to all parties; but there was the practical view of it to be taken that it would be extremely hard to compel poor, half-starved, half-clad, half-fed children to go in the cold and rain of the winter months two or three miles to a board school, instead of giving the parents the option of sending them to a school close at hand which they might prefer, and he should, therefore, oppose most earnestly the second reading of this measure.

MR. W. E. FORSTER said, that having had to make so many speeches upon the question, both in and out of the House, he should have been very glad if he could have given a silent vote on it; but he could not forget that he proposed the Act and the clause under consideration on behalf of the late Government, and had to withstand in the last Parliament one or two proposals similar to the present one. Recollecting that fact, he could not refrain from stating very shortly his view of the present position of the question; and at the same time he wished it to be clearly understood that, though he was an organ of the late Government in the last Parliament, he was now speaking for himself alone. At the outset he felt bound to demur to the version of the history of the passing of that Act which had been given by his hon. Friend the Member for Merthyr Tydvil. That hon. Gentleman had stated that the real reason why the 25th clause of the Act had been retained in it, was to give aid to denominational schools, while the apparent reason was, to allow parents to exercise a right of choice as to the school to which they should send their children. Now, he, who had brought the clause in, must be permitted to state that the reason alleged to be the real reason was not that which had influenced him, or the Government of which he was a Member, in proposing the clause in the slightest degree, nor did he believe it was at the time in the mind of any hon. Member of the late Parliament. It was not in order to secure the small sum of £4,000 or £5,000

last year and £2,000 this year for denominational schools that they had taken the course which they had deemed it right to adopt. It would, indeed, have been a very unwise policy for the friends of those schools to pursue, to encounter for the sake of so trifling an object all the bitterness and heart-burnings which had been created in connection with the subject. The fact was, that the clause was proposed because it was thought that it would serve two objects—first, to get the children to school when otherwise they would not have gone there; and in the second place, to take away from the parents any reasonable excuse for not sending them. Those were the grounds on which it was proposed, and he thought that upon consideration his hon. Friend the Member for Merthyr would be inclined to admit that.

MR. RICHARD said, that the right hon. Gentleman had misunderstood what he had said. He did not state that the clause had been introduced with the objects which his right hon. Friend had mentioned.

MR. W. E. FORSTER said, he was glad to find that he had misunderstood the hon. Gentleman, who probably had failed to express himself with his usual clearness. As regarded aid to the schools, the Government Bill, as originally prepared, did contain a proposition of aid from the rates for denominational schools; but that proposition was afterwards withdrawn, and it was somewhat straining at the logic and facts of the matter to call the payment of this small fee an aid to the denominational schools. The fee, taken simply as a matter of fee, was, in truth, nothing like payment for the education of a child, and what was it, he would ask, which under those circumstances the Bill under discussion proposed to do? It proposed to take from the school boards all power to pay to schools not connected with those boards fees for the education of the children of a parent who was too poor to pay them himself—and was yet not an out-door pauper—while at the same time authority was given to the school boards to compel the parent to send his children to school. In other words, his hon. Friend would take away from the parent who was too poor to pay the school fees, the right to choose among the elementary schools in his

neighbourhood that to which he would wish his children to go. Now, to his mind, to pass a measure of that kind, pure and simple, would be neither just nor fair. His hon. Friend proposed that a man must send his children to the school which he and his friends approved rather than to a school which the man himself liked and which might be close to his door, while the school board school might be at a distance of two or three miles. Indeed, his hon. Friend, he feared, was, in dealing with the matter, hardly quite fair even so far as the question of the religious equality was concerned. Surely the mere fact of a parent being too poor to pay for the education of his children could not be even in his hon. Friend's own eyes a reason why they should not have the benefit of the religious instruction the parent preferred? Taking the case, for example, adverted to by the hon. Gentleman of the poor Irish Roman Catholic who, under the advice of his priest, refused to send his child to a school where the education was mixed, was he prepared to maintain, mistaken though he might think that deference to the opinions of the priest might be, that that man had not a right to entertain his honest conscientious objections in this land of religious liberty? His strong impression was, he might add, and he had very high legal authority for what he said, that so long as the 25th clause remained in force, whether the school boards did or did not pass bye-laws for the payment of fees, yet that inasmuch as the clause gave them the power to make such payment, if a case were sent up to the higher Courts of Law, the fact of their not making use of the power given by the clause would be supposed to furnish the parent with a reasonable excuse for not complying with the provisions of the Act. He would also remind his hon. Friend that the Act which was passed last year transferred from the school boards to the guardians the care of all out-door paupers; and that, although his hon. Friend felt so strongly as to what was done by school boards under the 25th clause, precisely the same provision had been inserted in the Act of last year without any Amendment having been proposed by his hon. Friend or anyone else in Committee, thus leaving untouched a part of the case in which a far larger number of chil-

dren were concerned. Taking advantage of the Act of last year, the parent who refused to obey the law might legally throw himself on the rates; but that was an alternative to which he should not like to see him reduced, and he could not conceive how his hon. Friend could think that there could be any advantage to the cause of religious liberty that there should be the difference between a pauper and a struggling parent, that the one should keep the power to choose a school for his children, while the other should lose it. Practically, he believed, notwithstanding what had been said by the hon. Gentleman who spoke upon the subject (Mr. Grantham), the word "may" in the Act meant "shall;" but his hon. Friend (Mr. Richard) proposed that a child should not only be sent to a school board school rather than to one which the parent preferred, but that that should be done notwithstanding that the majority of the ratepayers of the borough in which he lived wished the contrary. Now, the power of choice which was good for the out-door pauper parent was, in his opinion, good for the struggling parent whose sense of self-respect prevented him from throwing himself upon the rates, and if he (Mr. Forster) was regarded as being obstinate in his adherence to this principle of choice, it was simply and solely because he believed it to be the only just and practical way of carrying out compulsion. Allusion had been made in the course of the discussion to the speech which had been made by the Prime Minister during the progress of the General Election, but that speech had been made, he had no doubt, before the right hon. Gentleman had applied his powerful mind to the study of the 25th clause which it would be his duty to give in its present position. The question of religious education was not, he believed, involved in the clause, but that could not be said of the principle of compulsion. He would mention to the House a practical instance of the difficulty of working the latter principle, if the present Bill were to pass. A statement had been put into his hands by the hon. Member for Plymouth (Mr. Lloyd), who had taken a very active part in the proceedings of the Birmingham School Board, and who would himself have laid the facts before the House had he had

an opportunity. They were to the effect that a poor woman, who had three children attending a denominational school near her house in Birmingham, had had the fees paid by the former school board, but that when the new board was elected, payment of the fees was refused. The Board officer appeared, and told her she must send her children to a school which was nearly a mile distant, but, finding the distance inconvenient, and disliking the new school, she was summoned on the ground of non-attendance by the school board and fined 5s., which, to avoid imprisonment, she borrowed and paid.

MR. DIXON: The late school board of Birmingham never paid any school fees under the clause.

MR. LLOYD said, it was quite true that the hon. Member for Birmingham and his Colleagues, with one or two exceptions, did not pay those fees. But they had been paid by private subscription, and in the name of the majority of the Board then in authority.

MR. W. E. FORSTER said, he had merely given the statement as it was placed in his hands by the hon. Member for Plymouth, and his object in reading it was to show that if many such cases arose, and unless the right of the parent to choose were maintained by Parliament, compulsion was a thing which it would be impossible to carry out. In what position had his hon. Friend placed himself by assenting to compulsion? He would not say his hon. Friend had deprived himself of his *locus standi*, but had he not placed himself in a position of considerable difficulty? He believed that if teachers were prohibited from teaching religion many excellent people would object to take the appointments under such conditions, and he very much doubted whether the parents would care to send their children to school where there were teachers who had accepted the prohibition, and he thought it would be very difficult to work out the system of compulsion in the case of such schools. It was so in Holland at this moment. There was no Government more desirous than that of Holland to act upon the principle of compulsion, but owing to the Government schools being secular, it found that compulsion could not be enforced. It was, indeed, difficult for him thoroughly to understand the grounds on which his hon. Friend the

Member for Merthyr and his Friends based their objections to the 25th clause. The hon. Gentleman might urge him to take the course which had been taken by his parents and his Quaker ancestors, and they, it was true, had their objections to Church rates and tithes; but he could hardly imagine them seeking to carry out their views by admitting that money might be paid out of the rates for a certain purpose if it were paid by the Guardians, but adding that it was altogether against their conscientious convictions that money for the same purpose should be paid by school boards. With regard to rural parishes which did not admit of a choice of school, he would there also have compulsion. Some persons might point to rural parishes where perhaps only one school existed, and might argue upon the injustice or supposed injustice inflicted. Parliament must, however, consider as their great object the education of the children, while at the same time they must by a stringent Conscience Clause protect the children of Dissenters. With reference to the schools in the rural parishes, he believed that a great many more liked them than disliked them, and that more persons liked them than would like those which might otherwise be established. If there was only one school, then the child must go to that school, but the Act provided for the protection of consciences. He would add, that in accordance with his proposition of last year, he would confine the possibility of payment by the school boards to the case of those who, being too poor to pay for themselves, were unable, without relief, to obey the compulsory law. He could not, therefore, vote for the repeal of the clause, until he saw what was proposed to be put in its place, because he desired to see the principle of compulsion carried out.

MR. LOWE pointed out that the question now before them was not the general policy of the Education Act of 1870. It seemed to him that they ought to argue as if they were convinced of the soundness of the principle on which that Act was founded. What he wanted to impress upon the House was mainly this—that the question now before them was eminently a practical and not a theoretical or logical question. It did not depend on deductions from carefully culled premises, but on con-

siderations relating to the actual state of education in this country and the position which parties had taken up on the subject. Rightly or wrongly this question of the 25th clause had become something more than a mere question as to a particular enactment. It had become a flag, a symbol, a battle-cry, and they had the authority of the Prime Minister, that the whole subject was summed up in this particular clause. It had given rise to a great amount of ill-feeling and bad blood; it had made the working of the Education Act exceedingly difficult, and every friend of education must be anxious if possible to get rid of the clause altogether. The great point to be settled was, whether they could get rid of a great, increasing, and pervading mischief which threatened to impede the whole progress of education. ["No, no!"] He thought it was possible, and he said that in no party sense whatever, but solely in the interests of education. It seemed to him that the arguments which had been adduced on both sides had a great deal of weight. But the question was rather one as to the dimensions of the matter they were discussing, than as to the justice of the arguments, and really the actual operation of the clause was ludicrously small as compared with the effect that its continuance had upon education, and in the keeping apart friends of education who might but for it, act cordially together. The effect of the clause however was immeasurably great in the mischief it did, although the sum expended under it would, he believed, be diminished to almost nothing. A great deal of the money had hitherto been wasted by persons who never took the trouble to ascertain whether those on whose account it was given were really unable to pay, and it had been partly used in the worst possible way, as a bribe to get people to send their children to certain schools. But it could not be doubted that an end would be put to all that. The amount had, moreover, been considerably diminished under the operation of the Act of last Session with regard to the children of paupers. On the whole, there could be no doubt that the sum to be paid would be extremely small — absolutely contemptible in amount. Not only so, but let the House look at the class to which the clause would apply. It would not

apply to those who were able and willing to pay their own fees, or to paupers in receipt of relief. Those to whom it would apply were persons who, without being in receipt of relief, were yet so near the edge of pauperism as to be unable to pay the required 1*d.* or 2*d.* a week. It was a very small and peculiar class, and to none beyond it would the clause apply. It was obvious that the clause would affect only an infinitesimal portion of the population; and how unimportant would it be if it were repealed, and if the whole of the children of this class went without education altogether, compared with the mischief which the present agitation inflicted upon the cause of education generally. A great deal was said about attending to the wishes of the parent, and certainly so far as those wishes could be attended to without injuring the cause of education he would desire to see it done. It seemed to him that in the present case they might very easily be attended to. If—supposing the clause to be repealed—a parent who desired his child to be educated at a denominational school made a reasonable excuse that he could not pay, and that excuse was admitted, the child would not come under the compulsory clauses of the Act, and if it got education would get it under a voluntary and not under a compulsory system. But could it be supposed that because the school board and the ratepayers did not provide for the school fees of that child, the necessary funds would not be forthcoming? Considering the long period of time during which the education of the poor in this country had been carried on mainly by means of private funds, it might be taken as certain that as soon as an outlet for charity was pointed out, in the direction to which he had referred, it would be found that even a thousand times more money than was required would be obtainable. That being the result, the parent would be deprived of his legal excuse. He was no advocate of throwing additional burdens on the Consolidated Fund; but it would be far better even to do that than to shipwreck the cause of education on such a miserable shoal as the 25th clause. He had shown that it was most important this clause should be done away with for the sake of peace and quietness. ["No, no!"] Hon. Gentlemen who cried "No,

no," might despise peace and quietness; but he did not. The only question was one of pride. Parties had been worked up to a great heat, and one or other must give way; and in a matter so exceedingly small in its practical importance, it seemed to him that the honour would belong to the side that was most willing to yield. He trusted that Her Majesty's Government would be persuaded to lend their aid towards repealing this clause and restoring peace, in order that the country might be enabled to carry on without interruption the most important work of the present day.

VISCOUNT SANDON demurred to the statement of the right hon. Gentleman who had just sat down, that the great cause of education in this country was suffering grievously on account of the 25th clause. Any one who had watched the course of the school boards in England and Wales must, on the contrary, have been startled by the amount of work they had done—the schools they had built, the children they had gathered in them, and the general addition they had been making to the educational prosperity of the country. He doubted whether the most sanguine Gentleman opposite—whether the right hon. Member for Bradford (Mr. Forster) himself—had ever expected that in the short space of three years so satisfactory a result would be obtained. He would most gladly rest the position of the Government, to a very large extent, upon the very exhaustive and admirable speech of his right hon. Friend the Member for Bradford, and, in fact, all the first part of that speech might have been delivered from the bench which he (Lord Sandon) occupied. [*Ironical cheers.*] It could be no offence to the right hon. Gentleman that that should be said, and no shame to him to accept it; for it must be remembered that the last Parliament had taken a pride in removing this great question of education from the arena of party politics. Now, the noble Lord the Member for the North West Riding, and one or two other hon. Members, had made a series of appeals to Her Majesty's Government to settle this delicate matter, as they called it, in what they termed a simple and easy way. On the part of the Government to which he belonged, he accepted with gratitude the compliment implied—

namely, that they were able to settle in a simple and easy way a question which had so long puzzled those able Gentlemen who sat opposite; but he remembered that the right hon. Member for Bradford, at a public meeting in Liverpool last October, said he was not sanguine of success in any effort of the kind, as he had passed days and weeks in considering schemes by which the difficulty might be got over. If the right hon. Gentleman could not solve the question with the advantages which he possessed whilst in office, was it likely that Her Majesty's present Government could do so? Then the right hon. Member for the University of London (Mr. Lowe) said in one of his election speeches that he did not believe Government could have counted at any time last year on a sufficient number of votes to repeal the 25th clause, and he added that if the constituents wished it to be repealed they would let their desire be known in the elections. What did the late Parliament do in regard to the matter? It twice refused by large Liberal majorities, to repeal the clause. Moreover, in the Scotch Education Act passed two years ago the principle of the clause was embodied. Then almost the whole feeling of the country had been shown by the late General Election to be in favour of maintaining intact the great principle that the parent, however poor, should have the choice of the school to which his child should be sent. How, then, were they to view the opinions which had been expressed on the other side? The noble Lord the Member for the North West Riding had spoken with great moderation on the subject, but there were hon. Gentlemen connected with the League whose zeal and activity in the cause they espoused he would always speak of with respect—such, for example as the hon. and gallant Member for Sunderland (Sir Henry Havelock)—and who had shown by their speeches that they regarded the repeal of the 25th clause as merely a step in a scheme for a great alteration of the whole system of education in the country. [Sir Henry HAVELOCK was not aware that he had any connection with the League.] He willingly apologized for any mistake he might have made; but he looked upon the remarks of the hon. and gallant Member as indicating the views held by members of the

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gue. The hon. Baronet had said, for example, that religious teaching ought to be entirely undertaken by ministers of religion. This showed that the proposed change was looked upon by leading Members as a part of a general scheme—the regular scheme of the League, in fact—by which we were to have free schools, universal school boards, and universal compulsion. It was surely wise to bear in mind the company in which this Bill had been prepared, instead of treating it as an isolated attempt to remove an obstacle, however praiseworthy it might be.

While thanking the hon. Member Mr. Merthyr Tydvil (Mr. Richard) for his obliging way in which he had referred to him (Viscount Sandon) personally, he could not refrain from saying that it would tend more to the harmony which ought to prevail on both sides of the House if the hon. Member would not attack other hon. Gentlemen as archbishops. The hon. Member had alluded to their “living under the shadow of a great ecclesiastical corporation,” and so on. For his own part, he looked upon the question entirely apart from both Church and Nonconformity, from both Liberal and Conservative politics; and he believed that if they all did so, the gallant proposal of education would safely pass the House. With regard to the point involved in the Bill before the House, it must be clearly understood that Government would, under no circumstances, give way. They would not take away or diminish the right of the parent to choose the school to which his child should go, because they felt it to be absolutely impossible that the work of education could go on if they meddled with that great principle. Why he felt so strongly upon the subject was, that he saw all around them in great school board districts that the principle of compulsion was working with extraordinary success in bringing tens of thousands of children under school and influence, and he held that it would be fatal to the working of compulsion if they were to take away the choice of the parent. The poor had their choice in that matter as well as the rich, and he believed the attempt to interfere with it would be hopeless. As regards the ratepayers, they were not introducing any new principle in calling

upon them to contribute to the cost of teaching religious views in which they did not concur. On the contrary, they had long been accustomed to ratepayers contributing for the support of schools which were not in accordance with their religious views. The principle was to be found in the Industrial Schools Acts and Reformatory Acts, and in these enactments the right of the parent to choose the school was very carefully guarded. In the contributions made for the support of workhouse and gaol chaplains the principle to which he referred was again recognized. Surely, therefore, it was a mistake to speak of it as a new and untried principle? Government were determined to do what they could to preserve intact the freedom of the parent to choose the school, and he believed they could safely base their opposition to the principle of the Motion on that fact. There were many calamities inseparable from poverty—calamities which legislation did not create, and could not remove—and it was to be hoped another would not be added by taking away from the poor their undeniable right as parents to control the teaching of their children. This was a matter affecting the poorer classes of the country, and he was sure the Government would have the support of all right-minded men in not consenting to read the Bill a second time, and in supporting the proposal of the hon. Member for Nottingham.

Mr. RICHARD complained that the right hon. Gentleman the Member for Bradford had taken advantage of his position to speak at a time when the House was full, whereas he (Mr. Richard) had been obliged to address it when it was very empty. The right hon. Gentleman had evaded all his arguments, and had endeavoured to fasten upon him a charge of inconsistency for not voting for a principle similar to this last Session.

Question put, “That the word ‘now’ stand part of the Question.”

The House divided:—Ayes 128; Noes 373: Majority 245.

Main Question, as amended, put, and agreed to.

Second Reading *put off* for three months.

AYES.

Acland, Sir T. D.
 Adam, rt. hon. W. P.
 Allen, W. S.
 Anderson, G.
 Balfour, Sir G.
 Barclay, A. C.
 Barclay, J. W.
 Bass, A.
 Baxter, rt. hon. W. E.
 Bazley, Sir T.
 Beaumont, Major F.
 Beaumont, W. B.
 Bristowe, S. B.
 Brogden, A.
 Brown, A. H.
 Burt, T.
 Cameron, C.
 Campbell - Bannerman, H.
 Carter, R. M.
 Cartwright, W. C.
 Cave, T.
 Cavendish, Lord F. C.
 Cholmeley, Sir H.
 Clifford, C. C.
 Cole, H. T.
 Colman, J. J.
 Cowan, J.
 Cowen, J.
 Cowper, hon. H. F.
 Crawford, J. S.
 Crossley, J.
 Dalway, M. R.
 Davies, D.
 Davies, R.
 Dickson, T. A.
 Dilke, Sir C. W.
 Dillwyn, L. L.
 Dixon, G.
 Duff, M. E. G.
 Earp, T.
 Eyton, P. E.
 Fawcett, H.
 Fitzmaurice, Lord E.
 Fletcher, I.
 Fordyce, W. D.
 Forster, Sir C.
 Goldsmid, Sir F.
 Goldsmid, J.
 Goschen, rt. hon. G. J.
 Gourley, E. T.
 Gower, hon. E. F. L.
 Harrison, C.
 Harrison, J. F.
 Hartington, Marq. of
 Hill, T. R.
 Holland, S.
 Holms, J.
 Holms, W.
 Hopwood, C. H.
 Horsman, rt. hon. E.
 Howard, hon. C. W. G.
 Hughes, W. B.
 Ingram, W. J.
 James, W. H.
 Jenkins, D. J.
 Kay - Shuttleworth, U. J.
 Kinnaird, hon. A. F.
 Laing, S.
 Lambert, N. G.
 Laverton, A.
 Lawrence, Sir J. C.
 Lawson, Sir W.
 Leatham, E. A.
 Lefevre, G. J. S.
 Leith, J. F.
 Lewis, C. E.
 Lloyd, M.
 Lowe, rt. hon. R.
 Lush, Dr.
 Macdonald, A.
 Macgregor, D.
 Mackintosh, C. F.
 McArthur, A.
 McArthur, W.
 McCombie, W.
 McLaren, D.
 Marjoribanks, Sir D. C.
 Martin, P. W.
 Massey, rt. hon. W. N.
 Melly, G.
 Mitchell, T. A.
 Monk, C. J.
 Morgan, G. O.
 Morley, S.
 Mundella, A. J.
 Muntz, P. H.
 Norwood, C. M.
 Pease, J. W.
 Peel, A. W.
 Pender, J.
 Perkins, Sir F.
 Playfair, rt. hn. Dr. L.
 Plimsoll, S.
 Potter, T. B.
 Price, W. E.
 Reid, R.
 St. Aubyn, Sir J.
 Shaw, R.
 Sherriff, A. C.
 Simon, Mr. Serjeant
 Smith, E.
 Stafford, Marquis of
 Stansfeld, rt. hon. J.
 Stevenson, J. C.
 Stuart, Colonel
 Talbot, C. R. M.
 Taylor, D.
 Taylor, P. A.
 Trevelyan, G. O.
 Villiers, rt. hon. C. P.
 Vivian, A. P.
 Vivian, H. H.
 Waddy, S. D.
 Weguelin, T. M.
 Whitwell, J.
 Williams, W.
 Wilson, Sir M.
 Young, A. W.

TELLERS.

Havelock, Sir H.
 Richard, H.

NOES.

Adderley, rt. hn. Sir C.
 Alexander, Colonel
 Allen, Major
 Allsopp, S. C.

Anstruther, Sir W.
 Antrobus, Sir E.
 Archdale, W. H.
 Arkwright, A. P.
 Arkwright, F.
 Arkwright, R.
 Ashbury, J. L.
 Assheton, R.
 Baggallay, Sir R.
 Bagge, Sir W.
 Bailey, Sir J. R.
 Balfour, A. J.
 Ball, rt. hon. J. T.
 Baring, T. C.
 Barrington, Viscount
 Barttelot, Colonel
 Bass, M. T.
 Bates, E.
 Bateson, Sir T.
 Beach, rt. hn. Sir M. H.
 Beach, W. W. B.
 Bentinck, G. C.
 Benyon, R.
 Beresford, Colonel M.
 Biddulph, M.
 Biggar, J. G.
 Birley, H.
 Bolckow, H. W. F.
 Boord, T. W.
 Booth, Sir R. G.
 Bourke, hon. R.
 Bourne, Colonel
 Bousfield, Major
 Bowyer, Sir G.
 Brady, J.
 Brassey, H. A.
 Brise, Colonel R.
 Broadley, W. H. H.
 Brooks, rt. hon. M.
 Brooks, W. C.
 Bruce, hon. T.
 Bruen, H.
 Brymer, W. E.
 Buckley, Sir E.
 Bulwer, J. R.
 Burrell, Sir P.
 Butt, I.
 Buxton, Sir R. J.
 Callender, W. R.
 Cameron, D.
 Campbell, C.
 Cartwright, F.
 Cave, rt. hon. S.
 Cawley, C. E.
 Cecil, Lord E. H. B. G.
 Chainé, J.
 Chaplin, Colonel E.
 Chaplin, H.
 Chapman, J.
 Charley, W. T.
 Christie, W. L.
 Churchill, Lord R.
 Clifton, T. H.
 Clive, Col. hon. G. W.
 Clive, G.
 Close, M. C.
 Clowes, S. W.
 Cobbett, J. M.
 Cobbold, J. P.
 Cole, hon. Col. H. A.
 Colebrooke, Sir T. E.
 Collins, F.
 Conolly, T.
 Conyngham, Lord P.
 Coopo, O. E.
 Corbett, Colonel
 Cordes, T.
 Corry, hon. H. W. L.
 Cotton, Alderman
 Crichton, Viscount
 Cross, rt. hon. R. A.
 Cubitt, G.
 Cuninghame, Sir W.
 Cust, H. C.
 Dalkeith, Earl of
 Dalrymple, C.
 Davenport, W. B.
 Dease, E.
 Denison, C. B.
 Denison, W. E.
 Douglas, Sir G.
 Dowdeswell, W. E.
 Downing, M. C.
 Duff, R. W.
 Dunbar, J.
 Dundas, J. C.
 Dyke, W. H.
 Eaton, H. W.
 Edmonstone, Adm. Sir W.
 Egerton, hon. A. F.
 Egerton, Adm. hon. F.
 Egerton, hon. W.
 Elliot, Admiral
 Emlyn, Viscount
 Ennis, N.
 Errington, G.
 Eslington, Lord
 Estcourt, G. B.
 Evans, T. W.
 Ewing, A. O.
 Feilden, H. M.
 Fellowes, E.
 Ferguson, R.
 Finch, G. H.
 FitzGerald, rt. hn. Sir S.
 Fitzwilliam, hon. C. W. W.
 Floyer, J.
 Foljambe, F. J. S.
 Folkestone, Viscount
 Forrester, rt. hon. Gen.
 Forster, rt. hon. W. E.
 Forsyth, W.
 Foster, W. H.
 French, hon. C.
 Gallwey, Sir W. P.
 Galway, Viscount
 Gardner, J. T. Agg.
 Garnier, J. C.
 Gilpin, Colonel
 Goddard, A. L.
 Goldney, G.
 Gordon, rt. hon. E. S.
 Gordon, W.
 Gore, J. R. O.
 Gore, W. R. O.
 Grantham, W.
 Gray, Sir J.
 Greenall, G.
 Greene, E.
 Gregory, G. B.
 Grey, Earl de
 Grieve, J. J.
 Grosvenor, Lord R.
 Guinness, Sir A.

V.
Lord C. J.
I. T.
Lord G.
Marquis of
hon. R. B.
C. F.
R. W.
F.
E.
hon. G.
S.
Sir R. B.
Sir J. C. D.
D.
Viscount
hon. J. W.
A. A.
E.
Lord A. H.
Lord F.
W. U.
T. B. T.
W. N.
J. M.
P. G. G.
le, Viscount
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N.
J. B. B.
E.
J. G.
m, J. W.
hon. G. W.
Sir G. S.
lonel
J. G.
H.
Sir F.
Sir H.
on. Captain
Sir J.
A. MacM.
Colonel
y, Sir J. H.
Colonel
H.
ll-Hugessen,
E.
F. W.
r, Sir R.
T.
r E. H. K.
h, A.
r V.
Sir C.
-Col. E.
Lord H. G.
Col. R. L.
E.
C.
arquis of
hon. W.

Lowther, J.
M'Carthy, J. G.
M'Lagan, P.
Majendie, L. A.
Makins, Colonel
Manners, rt. hn. Lord J.
March, Earl of
Marten, A. G.
Matheson, A.
Maxwell, Sir W. S.
Mellor, T. W.
Milles, hon. G. W.
Mills, A.
Mills, Sir C. H.
Monckton, F.
Monckton, hon. G.
Montgomerie, R.
Montgomery, Sir G. G.
Moore, A.
Morgan, hon. F.
Morris, G.
Mowbray, rt. hn. J. R.
Muncaster, Lord
Mure, Colonel
Naghten, A. R.
Nevill, C. W.
Newport, Viscount
Noel, rt. hon. G. J.
Nolan, Captain
North, Colonel
Northcote, rt. hon. Sir
S. H.
O'Brien, Sir P.
O'Clery, K.
O'Conor, D. M.
O'Conor Don, The
O'Donoghue, The
O'Gorman, P.
O'Keeffe, J.
O'Neill, hon. E.
Onslow, D.
O'Reilly, M.
O'Sullivan, W. H.
Parker, Lt. Col. W.
Pateshall, E.
Peck, Sir H. W.
Pell, A.
Pelly, Sir H. C.
Pemberton, E. L.
Peploe, Major
Percival, C. G.
Percy, Earl
Phipps, P.
Pim, Captain B.
Plunket, hon. D. R.
Plunkett, hon. R.
Portman, hn. W. H. B.
Powell, W.
Power, J. O'C.
Power, R.
Praed, H. B.
Price, Captain
Puleston, J. H.
Raikes, H. C.
Ramsay, J.
Rashleigh, Sir C.
Rathbone, W.
Read, C. S.
Rendlesham, Lord
Repton, G. W.
Richardson, T.
Ridley, M. W.
Ripley, H. W.

Ritchie, C. T.
Ronayne, J. P.
Round, J.
Russell, Lord A.
Russell, Sir C.
Ryder, G. R.
Sackville, S. G. S.
Salt, T.
Samuda, J. D'A.
Sanderson, T. K.
Sandon, Viscount
Sclater-Booth, rt. hn. G.
Scott, Lord H.
Scott, M. D.
Scourfield, J. H.
Selwin - Ibbetson, Sir
H. J.
Shaw, W.
Sheil, E.
Sherlock, Serjeant
Shirley, S. E.
Shute, General
Sidebottom, T. H.
Simonds, W. B.
Sinclair, Sir J. G. T.
Smith, A.
Smith, F. C.
Smith, W. H.
Smollett, P. B.
Somerset, Lord H. R. C.
Spinks, Mr. Serjeant
Stacpoole, W.
Stanford, V. F. Benett-
Stanhope, hon. E.
Stanhope, W. T. W. S.
Stanley, hon. F.
Stanton, A. J.
Starkey, L. R.
Starkie, J. P. C.
Steere, L.
Storer, G.
Sturt, H. G.
Sullivan, A. M.
Swanston, A.
Synan, E. J.
Talbot, J. G.
Taylor, rt. hon. Col.
Temple, rt. hon. W.
Cowper-
Tennant, R.
Thynne, Lord H. F.
Tollemache, W. F.
Torr, J.
Tremayne, J.
Trevor, Lord A. E. Hill-
Turner, C.
Turnor, E.
Twells, P.
Vance, J.
Verner, E. W.
Walker, T. E.
Wallace, Sir R.
Walpole, hon. F.
Walpole, rt. hon. S.
Walter, J.
Waterhouse, S.
Watney, J.
Welby, W. E.
Wellesley, Captain
Wells, E.
Wethered, T. O.
Wheelhouse, W. S. J.
Whitelaw, A.
Williams, Sir F. M.
Wilmot, Sir H.
Wilmot, Sir J. E.
Wolf, Sir H. D.
Woodd, B. T.
Wyndham, hon. F.
Wynn Sir W. W.
Wynn, C. W. W.
Yarmouth, Earl of
Yeaman, J.
Yorke, J. R.

TELLERS.
Mahon, Viscount
Winn, R.

PERSONATION BILL.

On Motion of Mr. GEORGE CLIVE, Bill to render personation, with intent to deprive any person of real estate or other property, felony, ordered to be brought in by Mr. GEORGE CLIVE and Sir CHARLES FORSTER.

Bill presented, and read the first time. [Bill 146.]

LABOURERS AND ARTISANS DWELLINGS BILL.

On Motion of Sir PERCY BURRELL, Bill to give increased facilities for the erection of Labourers and Artisans Dwellings, ordered to be brought in by Sir PERCY BURRELL and Mr. CUNLIFFE BROOKS.

Bill presented, and read the first time. [Bill 144.]

COLONIAL ATTORNEYS RELIEF ACT AMENDMENT BILL.

On Motion of Mr. GOLDNEY, Bill to amend "The Colonial Attorneys Relief Act," ordered to be brought in by Mr. GOLDNEY and Mr. DODDS.

Bill presented, and read the first time. [Bill 145]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 11th June, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Local Government Board's Provisional Order
Confirmation (No. 4) * (97).

Second Reading—Magistrates (Ireland) and Com-
missioners of Dublin Police Salaries * (86);
Holyhead Old Harbour Road * (83); Paro-
chial Records (Ireland) * ().

Committee—Supreme Court of Judicature Act
(1873) Amendment (56); Gas and Water
Orders Confirmation * (52); Court of Judi-
cature (Ireland) * (57-98).

SUPREME COURT OF JUDICATURE ACT
(1873) AMENDMENT BILL.—(No. 56.)
(*The Lord Chancellor.*)

COMMITTEE.

Order of the day for the House to be
put into Committee read.

LORD REDESDALE, having pre-
sented Petitions from the Incorporated
Society of Solicitors in the Supreme
Court of Scotland, and the Incorporated
Society of Writers or Clerks to the
Signet for the Amendment of the Bill
as far as regards appeals from the
Scotch Courts, moved the following Re-
solution—

“That as it is admitted that this House is
preferred by Scotland and Ireland as their Court
of Final Appeal to any other which has been
proposed, and as a satisfactory Court of Final
Appeal has not yet been established for Eng-
land, it will be expedient, instead of proceeding
to create a new Court for all the three King-
doms, that the provisions of the Supreme Court
of Judicature Act of last Session which prohibit
appeal to this House be repealed, and that time
be thereby allowed for the adoption of such im-
provements in the constitution and practice of
this House in the discharge of its judicial func-
tions as may remove the objections which
have been taken to it as a Court of Judicature,
and that the Committee on the Supreme Court
of Judicature Act, 1873, Amendment Bill be
hereby instructed to amend the same in accord-
ance with this Resolution.”

He conceived that he was quite in Order
in moving this Resolution, because if
the House went into Committee without
some such Resolution, the question of
the appellate jurisdiction of their Lord-
ships could not be fully debated. He
wanted the House to decide in a formal
manner, and after full consideration,
whether it should give up a jurisdiction
with which it had been invested from
time immemorial. Why should it be
given up? Who had asked for its abo-
lition? The legal profession in this

country were not in favour of such a
step, and in Ireland and Scotland resolu-
tions strongly in favour of the reten-
tion of the appellate jurisdiction of their
Lordships' House in respect of the ap-
peals from those Kingdoms, had been
adopted by all branches of the profes-
sion. The only reason assigned for the
present measure was what had already
been done in the case of England by the
Bill of last year. But it was now
proposed that a new Court of Final
Appeal should be constituted for Eng-
land. Against the constitution of that
Court he had already urged objections
on constitutional and other grounds.
One of the provisions of the Act was
that six out of the nine Judges were re-
movable at the pleasure of the Crown
after three years, one of the remaining
three being removable at will, which was
an entirely new principle in their juris-
prudence. He objected to try a new ex-
periment at such a cost, and to tread such
dangerous ground. What would be
gained practically by the proposed altera-
tion? The present Court had given sat-
isfaction:—why had they superseded it
by another and untried tribunal? The
noble and learned Lord on the Woolsack
had well said that the prestige enjoyed by
the House of Lords could not be obtained
by any new Court. That prestige had
been found eminently useful in securing
the satisfaction of the country at the
manner in which the House had dis-
charged the legal duties intrusted to it.
Scotland had spoken with no uncertain
sound against the abolition of the juris-
diction of the House of Lords—a juris-
diction which had existed and worked
well and usefully for two centuries. And
as to Ireland, where the opinion of the
legal profession was equally decided,
they ought to take especially care at the
present moment. If the scheme proposed
by this Bill were carried into effect, the
decisions of the Irish Courts would be
brought under a purely English tribunal.
Now, as the feeling in Ireland was
against undue interference by England
with Irish affairs, and as the Bar and
the people of Ireland had been well con-
tented with the jurisdiction of the House
of Lords, was it not inexpedient to run
the risk of making a change which was
not likely to give satisfaction? He was
in favour of allowing a second appeal,
because he thought that on the second
appeal everything of importance was

brought before the Court in a solemn form, while unimportant points were left out; but he held that appeals from England, Scotland, and Ireland, ought all to be conducted in the same manner. Why should Ireland and Scotland have a more expensive system of appeal than that which was devised for England? It had been said that the jurisdiction of their Lordships' House in matters of law had not been a reality. But he submitted that that House was Her Majesty's Supreme Court—in the exercise of its appellate jurisdiction the House discharged its duties in the name of the Sovereign. All the Courts did the same. No doubt it would have been impossible to retain that jurisdiction if the lay Lords continued to take part in hearing appeals; but they did not do so now, and the proposal he would make was in accordance with the ancient custom of appointing "Triers," who as legal Members of the House would act for the House and in Her Majesty's name. In the reign of Charles II., when the jurisdiction of the House was disputed, the great Lord Shaftesbury said—"Your judicature is the life and soul of the dignity of the Peerage in England."—[See *Parl. History*, iv. 793.] And he might state to their Lordships that the late Lord Lyndhurst strongly recommended him to oppose the abolition of that jurisdiction as a measure most dangerous to the dignity of the House. The noble and learned Lord opposite (Lord Selborne) had changed the opinions he entertained when he was Member of the other House, and he thought it would only have been right if he had stated to their Lordships the reasons he had for having changed his opinion. In 1856, at a time when it was thought the legal element in their Lordships' House was not sufficiently strong to carry on its judicial business, a Bill was sent down to the other House proposing to strengthen their jurisdiction by the appointment of two Deputy Speakers. On the second reading of that Bill the noble and learned Lord made use of these words:—

"He entertained strong objections against the project for removing the jurisdiction of the House of Lords to the Privy Council, or constituting a new tribunal consolidating, in fact, the two. But then he was tempted to ask, after all, was the traditional respect in which the jurisdiction of the House of Lords was held so utterly baseless that no advantage whatever was to be

derived in the administration of justice from the high dignity with which it was associated by being united to one great branch of the Legislature? Did the independence of the judicial system gain nothing by having its root and fountain-head in the House of Lords, where, unquestionably it was unassailable by corruption or by the influence of the Crown, and where it was brought into immediate and close contact with the legislative power, so that the same Judges who administered justice in the House of Lords, might also suggest acts of the Legislature to correct any defects or errors in the law? He confessed he could not divest himself of the notion that the administration of justice did gain something in dignity, independence, and stability from its association with the House of Lords; and he believed also that the opinion which had so long prevailed was not unfounded—which supposed that the House of Lords gained something of dignity, honour, independence, and stability from its association with the administration of justice. . . . If it be possible to establish a satisfactory Court of Final Appeal in the House of Lords consistently with constitutional principle and the interests of the country, would it not be as well—would it not be better—to do so rather than to annihilate all the prestige of centuries, and all the traditional respect which the country had been accustomed to feel for the jurisdiction so exercised, for the sake of attempting some new experiment the success of which no one could foretell?"—[3 *Hannard*, cxliii. 458-9.]

These were the very grounds on which he (Lord Redesdale) now asked their Lordships not to part with their jurisdiction. He could not conceive what good reasons could be put forward against the question at that time so well taken up by the noble and learned Lord. He believed that their Lordships' decisions as ascertaining the law were more frequently referred to than those of any other tribunal; and he believed there was no theoretical objection to their Lordships' jurisdiction which could not without difficulty be removed. It was said that lay Lords might vote on appeals. The last time any suggestion was made for their doing so was in the case of O'Connell; but at that time the Law Lords who heard the case were only five in number, and there were three on one side and two on the other; seven out of the nine English Judges consulted by the House were in favour of upholding the ruling of the Court in Ireland, and as the case was a political one there were, under such circumstances, some reasons for the proposition; but he was glad to say it was not acted upon, and the decision of their Lordships' House was pronounced by the Law Lords only. The judicial strength of the House might be increased by the means which

he suggested last Session; and as he had shown on a former occasion, there was no constitutional objection to the Triers appointed by the House sitting for the discharge of judicial business during the Parliamentary Recess. He thought his noble and learned Friend on the Woolsack had been a little severe in his remarks on the fact that the late Lord Chancellor for Ireland (Lord O'Hagan) did not oppose the Bill of last year. It must be remembered that that noble and learned Lord was a Member of the Government by which that Bill was introduced; besides which, when that Bill was under discussion last year, there had not been such an expression of opinion from Ireland as was now before their Lordships—now, both Ireland and Scotland had agreed in objecting to the establishment of any new Court. The Resolution which he now proposed would not have the effect, as had been stated, of destroying the Judicature Act—its only effect would be to repeal that portion of it which constituted the new Court of Appeal—it would not in any way interfere with any of the other provisions of the Bill, which could without any difficulty be so altered as to refer to the House of Lords instead of to the new tribunal it constituted. This was no party question, neither was the proposal to abolish the jurisdiction of that House a Conservative measure; and, therefore, party allegiance did not require that the Conservative Peers should support it.

Then it was *moved* to resolve,

That as it is admitted that this House is preferred by Scotland and Ireland as their Court of final Appeal to any other which has been proposed, and as a satisfactory Court of final Appeal has not yet been established for England, it will be expedient, instead of proceeding to create a new Court for all the three Kingdoms, that the provisions of the Supreme Court of Judicature Act of last session which prohibit Appeal to this House be repealed, and that time be thereby allowed for the adoption of such improvements in the constitution and practice of this House in the discharge of its judicial functions as may remove the objections which have been taken to it as a Court of Judicature, and that the Committee on the Supreme Court of Judicature Act, 1873, Amendment Bill be hereby instructed to amend the same in accordance with this resolution.—(*The Lord Redesdale.*)

LORD PENZANCE rose to second the proposition of his noble Friend the Chairman of Committees. The Resolu-

Lord Redesdale

tion of his noble Friend was one asking for time before the abolition of the appellate jurisdiction of their Lordships' House, and the transfer of that jurisdiction to a new tribunal. When introducing the Judicature Bill last year, his noble and learned Friend (Lord Selborne) said—

"I do not propose to deal by this Bill with the appeals from Scotland or Ireland. Those countries have each their own system of jurisprudence and judicature, with which, so far as their original jurisdiction is concerned, this Bill does not in any way deal. Furthermore, the evidence given before your Lordships' Committee last year by gentlemen conversant with the practice of appeals from Scotland was to the effect that no change was desired in that country. I think the views entertained by the people of Scotland on this subject are entitled to very great respect; it would be an unwise and unnecessary thing to propose changes applicable to that country which the public opinion of that country does not require. As to Ireland, there was also no evidence that any change was wanted. I do not, of course, conceal from myself that if you establish in England a thoroughly good appellate jurisdiction, and find that it works as we hope it will work, opinion both in Scotland and Ireland may probably hereafter tend to the application and adoption of the same system in those countries."—[3 *Hansard*, ccciv., 348, 349.]

If it worked well! Why, it was not in existence yet, nor would it be until November next; and yet after those observations of his noble and learned Friend, made only last Session, it was proposed to extend to Scotland and Ireland this Court which was still in embryo! It could not be said there was any demand for it from either country, because the contrary was the fact. He knew, therefore, of no existing necessity for the removal of the Final Appellate Jurisdiction from their Lordships' House. And here he might remind their Lordships that the change now proposed to be made had never been approved by any Commission or Committee that had inquired into the subject. It was not, so far as he was aware, approved by the Judicature Commission now sitting, nor had he ever heard that any Committee of that or the other House of Parliament had recommended it. The legal jurisdiction of their Lordships' House had recently been working quite as well as at any former period; the legal profession was now largely represented in the House, its decisions commanded, as they always had commanded, the confidence of the country; there were no arrears of business, and yet this was the moment

selected for so great a change. Their Lordships' House carried with it traditions and a moral force which it was impossible for any new Court to obtain. His noble Friend on the Woolsack had described in powerful, clear, and unmistakable language the value of their Lordships' jurisdiction; and his noble and learned Friend (Lord Selborne) in 1856 did so in language equally forcible; but when, on a former evening, his noble Friend the Chairman of Committees quoted that language, he (Lord Selborne), with all the dexterity of one of the celebrated Davenport Brothers, extricated himself by saying that—

“He did not claim any authority for his opinion, but if it had any authority he thought his present opinion was better than his opinion some years ago, and his present opinion was most deliberately his opinion of last year.”

When a man of his noble and learned Friend's eminence gave such contrary opinions, the question appeared to be, not which of them was of the greater value, but whether either of them was worth anything, seeing that one neutralized the other. He must repeat that what the House was called on to consider last year was not whether their Lordships' House should continue to be the tribunal for hearing the second appeal, but whether there should be a second appeal at all. His noble and learned Friend had been the consistent advocate of having only one appeal. He proposed that to the House last year; and the House having adopted his proposition, it was impossible the House of Lords could be the Court to entertain it; but as the second appeal was now to be restored, the question of the appellate jurisdiction of this House was still an open one. He would not detain their Lordships by reading the recommendations of the Committee of 1856; but as that Committee was in favour of the maintenance of the appellate jurisdiction of that House, he would remind their Lordships that among the Law Lords who were members of it were Lord St. Leonards, Lord Brougham, Lord Lyndhurst, Lord Cranworth, and Lord Campbell, and that several distinguished lay Peers, including Lord Lansdowne and Lord Ellenborough, were also members of that Committee. Another important consideration was this—For England, Ireland, and Scotland an Imperial tribunal was required. Their Lordships' House pos-

sessed that character, for it was a House in which all the Three Kingdoms were represented—and not only theoretically, but practically, for the two sister countries had been of late years represented among the Judicial Members of the House. Now, what had been done in the constitution of the new Court of Appeal to retain this Imperial character? Absolutely nothing. All that was done by this Bill was to amend the Bill of last year, and instead of calling it “the Supreme Court” it was now to be called “the Imperial Court” of Judicature. The name “Imperial” did not carry with it any substance, and the mere fact of giving it such a name showed a consciousness on the part of his noble and learned Friend than an Imperial character was necessary. What good reason, then, had been shown for going forward with this legislation rather than being content to let things remain as they were? The question arose, why was this legislation brought forward? It was on account of the legislation of last year. And what did they do last year? Under the guidance of his noble and learned Friend behind him (Lord Selborne), they proposed to do away altogether with the second appeal, and give only one appeal. It was impossible for the House of Lords to deal with primary appeals, which were between 400 and 500 in the year, and on that footing the jurisdiction of the House could not be retained: but this was an Amendment Bill, and the question now was what was to be done with Ireland and Scotland? The noble and learned Lord on the Woolsack thought it necessary and desirable this year that the case of Ireland and Scotland should be considered. This re-opened the whole question—Why were they to be bound by the legislation of last year? Even if the legislation of last year had taken away the appeal from that House and given it to some other Court, they might properly consider what course they should take in this Imperial matter. The legislation of last year restricted the suitors to one appeal; but the Bill now under their consideration not only brought Ireland and Scotland under its provisions, but repealed the Bill of last year as regarded the single appeal—for if this Bill passed, that restriction to one appeal would be done away with as regarded England.

Therefore, *a fortiori*, the question was still open to be considered. He was aware that in asserting that this was the effect of the present Bill, he should not have the assent of his noble and learned Friend the late Lord Chancellor (Lord Selborne), for on a former occasion he had been taken to task by him for saying so. But he was prepared to justify and maintain the proposition that the Bill now before the House did create a second appeal for England, and in that important respect repealed the Act of last Session. What was done by the Bill was this—stripping it of all technical language—it dealt with the Appeal Court whose decisions under the Act of last year were to be final in this way. If they were not unanimous the case might be “re-heard,” if either party desired it, before another set of Judges who might reverse what the first set of Judges had decided. Now, the noble and learned Lord called this a “re-hearing only,” and urged that such a proceeding did involve a Second Court of Appeal; but he (Lord Penzance) called it an “appeal,” because it involved two things—it involved the decision of one Court and the decision of a second Court, which might overrule the first. He had paid the greatest attention to the statement of his noble and learned Friend on the Woolsack in introducing this Bill on the 7th of May. He said—

“It appeared to me and to many others, that the arrangements with regard to the Ultimate Court of Appeal were anomalous in this respect, that they abolished any Intermediate Appeal for England, while an Intermediate Appeal would remain for Scotland and Ireland. . . . We propose, that whenever in any cases heard before the other Divisions of the Court of Appeal the Judges are not unanimous in their decision, the case may, if the parties desire it, be heard before the First Division. In that way there would be virtually a second appeal whenever the Judges on the hearing of the first appeal were not unanimous.”—[3 *Hansard*, ccxviii. 1821-23.]

He called this, then, a second appeal. But his noble and learned Friend behind (Lord Selborne) said it was only a re-hearing. Well, it was a re-hearing by a different set of Judges after the case had been decided by a former set of Judges. That was an appeal; but if his noble and learned Friend still insisted that it was only a re-hearing, he was welcome to call it by that name, it was plain that under whatever name, it was in substance a second appeal. So much as to the question whether they

were concluded by what was done last year. Now, one word in conclusion with reference to the Court which his noble and learned Friend proposed to substitute for the jurisdiction of that House. He did not think that a Court constructed on the plan of this Bill could be satisfactory. It certainly was a new idea that a Court was to be cut into two halves and that one half was to have the power of undoing what had been done by the other;—it would be better to establish a properly-constituted Court of Appeal. He could see no benefit in the course proposed, except that of following up the legislation of last year; but as this was an Amendment Bill they ought to consider not only what was done last year, but also what was best to be done. This House had a jurisdiction which it had exercised for centuries, and of which their Lordships were guardians. If they gave it up now and afterwards wished to revive it, the answer of the other House would be, “No; the Peers gave it up.” Let their Lordships determine, then, whether they had not better revert to the state of things which existed anterior to the Act of last year before they handed over Scotland and Ireland to what was called an Imperial, but what would in reality be an English, Court.

THE LORD CHANCELLOR said, he rose at once to follow his noble Friends because he must at once say the Resolution was one which the Government must entirely oppose, and because it involved consequences which apparently had not been anticipated. There was great and urgent expediency that this question should now be settled once for all, and that it should not be left any longer hanging up before the public mind as a question still open and undetermined. He was sorry to commence by making a grave objection on a point of Form to the proceedings of one to whom they were accustomed to look up as the guardian and champion of form and regularity. The noble Lord (Lord Redesdale) did not propose any Amendment on the Motion to go into Committee on the Bill, but he moved an Instruction to the Committee in reference to the Bill. He always understood there were two invariable Rules with regard to an Instruction—one, that its object must be to enable the Committee to do something which without the Instruction it

would not be in their power to do; and, second, that the Instruction must in form be of a permissive and not of an imperative character. These were rules which did not depend upon the practice or caprice of either House—they were inevitable in the nature of the case and the absolute necessity of leaving the Committee free and without fetter. The Resolution, however, asked the House to resolve that the Committee should make a particular Amendment in the Bill; it was already in the power of the Committee to make that Amendment; and if the House now dealt with a question which was already within the power of the Committee every Member who wished to propose an Amendment in this or any Bill might ask the House to decide the point involved by moving an Instruction. If this course had been pursued with the Regulation of Worship Bill, the whole 40 pages of Amendments might have been placed before their Lordships in the shape of Instructions. Again, in Committee the Chairman was obliged to assume that the Committee was free to obey or disobey an Instruction. These were matters which were discussed half a century ago—as might be found in the papers of Speaker Abbot—and the rule had been rigidly adhered to up to a late period. He hoped, therefore, if they were to go to a division that it would be altered in its terms so that it might not appear that the Chairman of Committees moved a Resolution violating the principle of Parliamentary Order with regard to Instructions to Committees. The Resolution asked the Committee to repeal, not the Judicature Act of last year, but that particular clause of it which prohibited appeals being made to this House. What would be the result of such a Resolution, if agreed to? Why, it would be in direct opposition to the decision come to by the Commons when the Bill went down to them last year. Their Lordships originated the Bill and invited the House of Commons to make provision for the salaries and expenses of the new Court. The other House accordingly laid upon the Consolidated Fund a charge of £40,000 or £50,000 a-year, in consequence of their Lordships intimating their willingness to consent that appeals should no longer come to this House. With that charge still remaining on the public Exchequer, their Lord-

ships were now asked to repeal—not, indeed, the whole Act, but that part of it which affected the appellate jurisdiction of their Lordships' House. Was, then, this House now to break faith with the other, and to abandon the proposal on which the other House acted? Could any cause be devised more calculated to bring the two Houses into collision? The Resolution laid down two propositions—first, that no satisfactory Court of Final Appeal had been established; and, second, that it was admitted that this House was preferred by Scotland and Ireland as their Court of Final Appeal before any Court which had been proposed. That the Court of Final Appeal established by the Act of last year was satisfactory to the people of England was shown by the fact that there was not even a division on its provisions in the other House; the opinion of the Representatives of the people this year would be collected at the proper time; but he had not heard of any expression of dissatisfaction out-of-doors on the part of either the people, of the legal profession, or of the Judges, with whom he was in close communication. He knew that the Lord Chief Justice had expressed himself in the strongest possible way in a Paper which was on the Table. But what of the Bar, which was always perfectly ready when it entertained a strong opinion to express it? Last year the Equity Bar differed—and differed rightly—from a provision in the Bill then before Parliament. They held a meeting and expressed an almost unanimous opinion on that point; but no notice whatever was taken of the appellate jurisdiction. A few days ago he received a paper—which was at the service of his noble and learned Friend—signed by some of the most eminent members of the Bar, in which they stated in substance that they wished to express no opinion as to the appellate jurisdiction of this House, but argued in favour of some form of a second hearing of appeals. Therefore, his noble Friend had utterly failed to make out his proposition with regard to England. And now he came to Ireland and Scotland. He (the Lord Chancellor) said last year that it was extremely desirable, before making any change with regard to Ireland and Scotland, that those countries should have ample time to consider these proposals, and he objected

to include Ireland and Scotland in the legislation of last year, because they had not sufficient time to consider how it would affect them. But when they did get time, as they had got now, Scotland and Ireland were perfectly entitled to say, "We prefer that your Lordships should continue to hear our appeals; we do not desire that they should go before any other tribunal;" and if they said so, their representations would be worthy of respectful attention. But if, on the other hand, they said, "We understand you have adopted a new tribunal for England. You may be satisfied with that tribunal for yourselves; but we call upon you to repeal the provisions you have made on the subject, in order that your appeals may go back to the same tribunal as before—the same tribunal as the people of Ireland and Scotland prefer for themselves." If they required that, then they required more than they had a right to ask at their Lordships' hands. But, let their Lordships examine what was the opinion of Ireland and Scotland on the subject. He would take Scotland first. He wished to speak with all respect of the Bench, the Bar, and the Solicitors, but he begged leave to say that they did not constitute public opinion, but only an element of public opinion entitled to very respectful consideration. He demurred to the statement that if any number of gentlemen, however respectable, met and passed a Resolution, that was to be taken as an expression of public opinion. Public opinion was to be collected in the ordinary mode in Parliament, or from manifestations throughout the country. As to Scotland, the only opinion expressed was professional opinion, and what did it say? His noble Friend had to-night presented a Petition from the Writers to the Signet—a very respectable body—stating their desire that Scotch Appeals should continue to come to this House. What did the Society of Solicitors practising in the Supreme Court of Scotland say? That Society, by their counsel, sent this statement of opinion—

"Whatever might have been said in favour of preserving the House of Lords as a Supreme Court of Appeal, which has been deservedly acknowledged by the Profession and the public to have been of great service to the Law of Scotland, it appears to the Council, now that the Judicature Act has been passed, that it is no longer expedient to preserve its appellate jurisdiction in regard to Scotch cases, and that there

ought to be but one Court of Appeal for the United Kingdom. The Council are, therefore, in favour of the principle of the Bill."

Then what did they say of the Court provided by this Bill, which, as his noble Friend believed, stunk in the nostrils of the people of Scotland?—

"The Imperial Court is proposed to be divided into two or more Divisional Courts. To this First Division is appointed the duty of disposing of Scotch Appeals, and in making arrangements under the Act, it is provided that the said First Divisional Court shall sit throughout the year, except during vacation. These provisions seem to the Council to be satisfactory, as affording a strong Appeal Court for Scotch cases."

His noble Friend read this Resolution, passed by the Faculty of Advocates no later than yesterday—

"The Faculty resolves that, having regard to the interests of Scotland, the Bill now before Parliament does not provide a satisfactory Imperial Court of Appeal, and trusts that steps will be taken to retain and continue unimpaired the ultimate Imperial jurisdiction of the House of Lords as hitherto and still existing in that House, until an Imperial Court so constituted as to meet the just requirements of the Empire shall be devised, and of which at least one member shall be a Scottish lawyer."

He had great respect for the opinion of the Faculty of Advocates; but it appeared in order to have the new tribunal acceptable to them and satisfactory to all parts of the Empire, it must have a Scotch lawyer upon it. But what was the opinion of the Faculty of Advocates last year, when exactly the same proposals were made? They met on the 4th of July, when they passed the following Resolution:—

"That in the opinion of the Faculty, it is essential to the due administration of the law that the supreme appellate jurisdiction should be vested, as it hitherto has been, in one Imperial Court, comprising Judges conversant with the laws of the different parts of the United Kingdom; and the Faculty therefore approves of the proposal that Her Majesty's High Court of Appeal should also have jurisdiction in Scotch Appeals, provided that the Scotch element is duly represented in the persons of its Judges, and that the Scotch Bar have the right of practising before it in all cases."

He would present his noble Friend, as he was making a collection of Scotch opinion on the subject, with the Resolution passed by the Faculty of Advocates last year, to treasure it up side by side with the Resolution they had passed this year. And now as to Ireland? Only two or three days ago a deputation from the most important commercial and manufacturing town in Ireland (Belfast)

had an interview with the Attorney General—he himself, owing to business in their Lordships' House, not being able to see them—and they expressed their opinion that the change of the appellate jurisdiction was a very good change. But it was said the Bar of Ireland was opposed to the change. Well, no Resolution had been communicated to him this year on the subject, but he had some Resolutions which were passed last year—he presumed, however, that the opinion of the Irish Bar this year was that which had been expressed a few nights ago by his noble and learned Friend the late Lord Chancellor of Ireland. But these were their views in June, 1873. Serjeant Armstrong moved—

“That to maintain uniformity of decision in the Courts of Law and Equity in England and Ireland, as well as to ensure an efficient Tribunal, it is essential that there be the same Final Court of Appeal for Irish and English cases.”

Mr. May, Q.C., moved—

“That as the amount of property involved in many Irish cases did not admit of an appeal to a Court sitting in England, it was desirable that the Local Courts of Appeal should be preserved.”

Mr. Andrews, Q.C., moved—

“That a Committee be appointed to report to the Bar in what manner the Court of Appeal in England could be best adapted to be a Court of Appeal for both countries.”

He had shown reasons not only for doubting but disputing, that this was a question on which public opinion had been advisedly expressed or on which professional opinion was unanimous. Public opinion was silent or acquiesced; professional opinion was divided. His noble Friend had quoted a passage from a speech delivered by the ancestor of the noble Earl near him—the first Lord Shaftesbury, in which he styled their Lordships' judicial jurisdiction the life and soul of the Peerage. This was a strong and striking expression; but his noble friend had omitted to mention on what occasion it was used. About 200 years ago there was passing through Parliament a measure called the Test Bill, the object of which was that a declaration of passive and implicit obedience to the Crown should be made. Lord Shaftesbury was strongly, and rightly opposed to that measure; but he had a very small following among their Lordships and a still smaller following in the House of Commons, and he, accordingly, adopted a course which was re-

garded as one of the greatest strategic operations ever performed in Parliament. There happened to be three or four appeals in this House to which Members of the House of Commons were the respondents, and Lord Shaftesbury induced the small party who agreed with him in the House of Commons to suggest to that House that it was a Breach of their Privileges to implead any Member of the Lower House at the Bar of the House of Lords. Lord Shaftesbury despaired of defeating the Test Bill, but he thought he could embroil the two Houses in a quarrel and that the obnoxious measure would disappear. In this his Lordship succeeded admirably. When Parliament re-assembled, the Test Bill was renewed, and then Lord Shaftesbury made the speech from which his noble Friend had read an extract. In that speech Lord Shaftesbury told the Lords that the marrow and pith of the Peerage was their judicial power. But could they imagine that Lord Shaftesbury really cared anything about the judicial business or the judicial character of the House—or, indeed, about judicial proceedings anywhere? He hoped his noble descendant would excuse him from saying that he entertained the strongest doubt on the subject, and if his noble Friend (the Chairman of Committees) read the whole of the speech, he would perceive that it contained much that was wild and inflammatory, in addition to the sentence quoted this evening. His noble Friend was opposed to everything which could dissociate the Peers from the Monarchy and the grandeur of their monarchical institutions; but the effect of the change made by the Judicature Bill would be that for the first time the great Court of Appeal for the Empire would be the Queen's Court; whereas, if there were anything in names, it had never been the Queen's Court before. His noble Friend had not submitted an alternative proposal for adoption in the event of the Act of last year being repealed. Nevertheless, his noble Friend appreciated some of the objections which had been made to the exercise of the appellate jurisdiction of that House. While agreeing with his noble Friend that there was a considerable anomaly in the way that jurisdiction was exercised by a small number of Peers, he contended that nothing was so calculated to fix public attention on the anomaly as

the proposal of his noble Friend to single out three, four, or five Peers, and to say that the decision of cases should belong to a clique of the Members of the House, and not to the House itself. As to the proposal to create certain high judicial offices into peerages, it should be remembered that the Common Law Judges were at present hardly worked, and that they could not possibly undertake to perform fresh duties. Besides, was it likely that the House of Commons would vote £30,000 or £40,000 a-year for the salaries of Judges who were Members of the House of Lords? Nor did he see how the difficulty about the Vacations was to be got over—for it was of the essence of any perfect system of judicature that the Final Court of Appeal should sit throughout the whole of the legal year. His noble Friend might say that the select body he had referred to might sit in the Long Vacation—but that body would not be the House of Lords. How could that be said to be a perfect Court of Judicature which was shut up for six months of the year? The noble Lord asked their Lordships, absolutely in the dark, to reverse clear, definite, and intelligible arrangements which they had already passed into law, not upon any alternative suggested, but upon a vague promise that something might be discovered if only they would undo what had been already done. He thought, and he knew, that Members of their Lordships' House thought deep and long before they assented to the legislation of last year—he believed the legislation of last year would be productive of beneficial results, and that their Lordships would not undo that which they had already done.

LORD MONCREIFF said, that the Bill of last year constituted a Supreme Court of Appeal for England only; the present Bill proposed to abolish that Court, and to institute an Imperial Court of Appeal, and to transfer to it not only the English Appeals, but the appellant jurisdiction of Scotland and Ireland. The Instruction now moved by the noble Lord, the Chairman of Committees would retain the appeal jurisdiction of their Lordship's House. As the Resolution was for the purpose of upsetting the Act of last year, he doubted whether the subject ought not to have been raised on the second reading. This, he agreed, was not only not a party

matter, but one of great interest, because it touched the tribunals of the country; and the first question he asked himself was, what was the best Court of Appeal, and the next was whether the new Court would meet the wishes of the people of Scotland? This was a most interesting question in Scotland; because its jurisprudence differed from that of England. That raised a most important question—namely, were they to change their jurisdiction and convey over to a new Court the jurisdiction hitherto exercised on the principles of Scottish jurisprudence? He did not know how far the noble and learned Lord on the Woolsack had ascertained the opinion of the profession in Scotland. He did not suppose, unless their Lordships had full information of the opinion of Scottish lawyers, they could ascertain their views, and in 1856 they took the proper way to ascertain it by appointing a Commission. He did not think the professional opinion could be neglected by any one in dealing with this question. The other night he observed that the opinion of the Scotch Judges was in favour of retaining their Lordships' jurisdiction. The Writers to the Signet, it appeared, wished the jurisdiction to be maintained; and he also said that the Solicitors were in its favour. He had, he believed, misrepresented their opinion. The fact was that they expressed regret at the giving up the jurisdiction of the House, but they stated that if the Supreme Court was formed for England it would be a farce to retain the present appellate jurisdiction for Scotland. But what was the fact? They had already excluded Scotland and Ireland from the Act of last year, and there might be those who desired to retain the appellate jurisdiction of their Lordships, even though there was a Supreme Court established in England. No distinct proposition as regarded Scotland had then been made in their Lordships' House, and therefore the profession of Scotland could not be charged with inconsistency in reference to this matter. He now repeated his statement that the appellate jurisdiction of their Lordships' House was made an express stipulation by the Act of Union, and in 1869 it was declared to be the plain right of the people of Scotland to appeal to their Lordships against the decision of the Lords of Session. The Treaty of Union

expressly provided that the Courts of Scotland should remain as there constituted—that causes in Scotland should not be cognizable by the Court of Chancery or by the Courts of Westminster, and that no Court in England save only the House of Lords, should have jurisdiction in Scotch causes. That had continued to be the constitution up to the present time. Now, they proposed to do away with it all. He was surely entitled to say that the opinion and feeling of Scotland were entitled to consideration, and that the cases that came up from Scotland were not to be handed over to the ordinary Courts of the Realm. He should certainly never have taken the course the noble Lord had done on the grounds he had taken, but if he were asked his opinion he should say from his long experience of the manner in which the Scotch appeals had been dealt with, he should prefer to retain a jurisdiction which was of the most august character, and which had existed for centuries, rather than resort to the new tribunal. He thought the Scotch people would indeed be ungrateful if they did not wish for the continuance of such a tribunal. But if the law here was wholly changed, his fear was that no Court could be established which would be so advantageous as a Court of final appeal as this House. On that ground he was in favour of the noble Lord's Resolution; but he doubted whether the plan sketched out in it would be sufficient to maintain the jurisdiction of their Lordships' House in its full dignity. At all events, if the Bill should pass, it was to be hoped that care would be taken to make the new Final Court of Appeal in reality an Imperial tribunal. There was, however, no guarantee at present that the Judges who would preside in it would be conversant with the law which they would be called upon to administer.

LORD DENMAN, for whom Lord O'Hagan—though called for—gave way, said, that probably his arguments might be so weak that those who wished to hear the noble Lord (Lord O'Hagan) first speak, might find that he (Lord Denman) said more in favour of, than against, the measure which he opposed. He had, since 1856, constantly resisted attempts to destroy the appellate jurisdiction of the House of Lords. Though he would have preferred living in the country, he had come up to

oppose unconstitutional measures. The large sums voted for the Bill of 1873 were voted by a different Parliament from that now sitting, and he believed that attachment to the House of Lords had influenced many constituencies to vote against the late Government. That Government was responsible for the expenses of the Tichborne cause—which, he thought, ought to have been stopped at an early stage. He (Lord Denman) had been on the Bench when Sir William Codrington and General Peel were there, and the Claimant had forgotten the names of those who had (he alleged) been rescued with him from the wreck of the *Bella*, and said "he would enquire," and this was explained by him to mean looking at night into papers; but, if he had had memoranda in his hand, he would have been obliged to explain, and probably been prevented from using them, and the rate at which that case proceeded was disgraceful. Their Lordships' House now possessed noble Lords—one from the Bench of Scotland, another an ex-Chancellor of Ireland—and each nation was anxious for appeals to be heard by a jurist from their own country. He had already, in 1856, and on the Motion for the second reading of this Bill, refuted the error, that by not voting, any noble Lords had forfeited their right to vote. He believed that the people of Ireland wished to retain the jurisdiction in their Lordships' House, and that the people of Scotland could never have the same confidence in any new Court that they had in the House of Lords.

LORD O'HAGAN: My Lords, no one can fail to see that the task undertaken by the noble Lord whose Motion occupies the House is full of difficulty. He seeks to reverse a recent decision of your Lordships, which was affirmed by the House of Commons, chiefly because it was before affirmed by you, relating to a question on which you are far more likely to be made adverse to him because it touches your own ancient privileges, and is calculated to rouse amongst you a spirit of generous self-negation, and induce a decision too unfavourable to yourselves. You have already abandoned your position as the High Court of Parliament, and I doubt not you are predisposed to ratify the abandonment. But the question does not regard you only. The loss or gain is not merely

personal to you. You have had a trust committed to you for the good of the Realm, and that great trust you are not at liberty to abandon without coercive reason. For myself, like my noble Friend the Lord Justice Clerk, I did not imagine that this controversy would ever be re-agitated. I thought the ruling of last year on the English Judicature Act had probably closed it for ever. But it has been revived. Public opinion has largely declared itself in various districts of the Empire. The discussion is raised again, in new circumstances and under new conditions, by an English Member of your Lordships' House who possesses the highest personal and hereditary claims to your most respectful consideration; and I have felt bound to give the matter again my best attention, and to reach, upon its merits, the soundest conclusion I can form. I have said so much, perhaps unnecessarily, because my noble and learned Friend on the Woolsack seemed to think, when I last addressed your Lordships on this topic, that there was something in the nature of a personal estoppel against my statement of opinion, because, having been Lord Chancellor of Ireland under the late Government, and not having seceded from it, I had given, as he alleged, the weight of my authority to the opposite view. But the Bill now before the House is not the Bill of 1873. It is essentially different, as has been shown by my noble Friend who seconded the Motion, and raises completely new issues as to the Final Court of Appeal. The Act which passed last Session was passed for England only. I took no part in the discussion of its provisions. I was not present at the passing of it; and, if I had been, my interference would have been an intrusion, if it had not been an impossibility. But now Ireland and Scotland urge their common claim, not to have a Court of Ultimate Appeal distinct from that of England, but to induce England to retain her own time-honoured tribunal, which they both prefer to any new invention. The Bill is changed, I think essentially, as to the double appeal, and on a measure so altered—on a case so urged by those whom it aims to affect for the first time—on a Motion made by an English Peer, and sustained, as I am told, by a mass of judicial and professional sentiment in England, I feel

not only at liberty, but bound, with a free and open mind, to form and to express my honest judgment. My Lords, the jurisdiction which the noble Lord asks you to preserve is as old as the Constitution, and has ever been held an essential part of it. It has been maintained for many ages, through all the changes of dynasties and all the revolutions of opinion, and, so far as we have any trustworthy evidence, it is at this moment as respected and as popular as at any period, since it grew into being with the very foundations of the Common Law. The description of its characteristics by Lord Coke, is as true now as it was three centuries ago. He says—

“*Si antiquitatem spectes, est vetustissima; si dignitatem, est honoratissima: si jurisdictionem, est capacissima.*”

And if this be so, may we not fairly ask what is the justification for its overthrow? By what authority has it been denounced? On what inquiry has it been found unworthy of existence? What trial has been made to correct its errors and supply its shortcoming, before its condemnation to extinction? The burden of proof is surely on those who assail an institution so venerable in its antiquity and so great in its traditions; and that proof should be strong and clear to overbear the presumption in its favour which those things create. But I venture to say that no change so momentous was ever proposed on lighter grounds or accomplished with less deliberation. Various inquiries have been instituted by your Lordships as to your Appellate Jurisdiction, and not one of them all has issued in a recommendation to abolish it. There were such inquiries in 1813 and 1823, on which I need not now bestow attention; but the inquiry of 1856, before a Select Committee of this House, conducted as it was by Peers of the highest ability and distinction, beyond all others qualified to pronounce on such a question, and aided by the testimony of men of remarkable professional experience and attainments, may surely claim the greatest consideration. A Committee composed of such persons as Lord Lyndhurst, Lord St. Leonards, Lord Brougham, Lord Cranworth, Lord Campbell, and Lord Aberdeen, Lord Lansdowne, Lord Ellenborough, and Lord Elgin, has rarely been matched in either House of Parliament. The wit-

nesses were of the highest and most instructed class, such as Lord Westbury, and my friend Sir Joseph Napier, afterwards Lord Chancellor of Ireland; and that Committee unanimously expressed their entire concurrence with the general opinion of those witnesses as to the expediency of retaining the Appellate Jurisdiction of the House. It is impossible to imagine a pronouncement of greater conclusiveness. Statesmen and Judges, amongst the greatest and the wisest whom England has produced, united in declaring that there was no need of the change which has been wrought; and you are merely asked to affirm their judgment—which no subsequent circumstances have affected, which no subsequent decision has overruled, which, if it was correct in 1856, is equally correct in 1874. The Judicature Commissioners had not the question of your Lordships' jurisdiction referred to them; and the Committee of this House in 1872, on which I had the honour to serve, did not advise extinction of the tribunal, but that it should be supplemented and strengthened by extraneous aid. This was the last inquiry on the subject, and this the last authoritative counsel given to your Lordships before you were asked to vote for the change of 1873. So that, if I am not mistaken, the judgment of 1856 remains undisturbed; and there is absolutely nothing to bring it into question. And is it too much to ask that that solemn judgment should not lightly be set at nought? Why should it be? Opinion sometimes unduly compels change. It is sometimes too strong for argument,—too masterful for rational resistance. It has its gusts of passion, which obliterate old landmarks, sweep down cherished institutions, and compel reluctant observance of its imperious mandates. But in this case opinion and authority go together. There has been much criticism of the House of Lords as an Appellate Court. Its actual deficiencies have been frequently exposed, and there have been very many and very useful suggestions for its reformation. But I am not aware that England has uttered any outcry against its continuance. I have heard of no popular or professional demand that it should be done away. My noble and learned Friend on the Woolsack has read the Resolutions of 1873 as indicating the opinion of Ireland; but I must

remind him that, in 1874, the Irish Bar have unanimously and repeatedly declared their preference for this House as the Final Court of Appeal, and that the representatives of the Irish solicitors have petitioned your Lordships, affirming, for themselves, that preference. They all recognize the necessity of having the same Final Court for the Three Kingdoms, whatever it may be; but they all desire that it may be what it is, and nothing else. In 1873 they did not meddle with the provisions of a measure not immediately affecting them. In 1874 their declarations are strong and unequivocal. Scotland is of the same opinion. The Judges are unanimous—the writers to the signet are unanimous; and, though there appear to be differences elsewhere, my noble and learned Friend behind me has demonstrated that the feeling of Scotland is effectively with this Motion. Is, then, the pronounced opinion of two Kingdoms to go for nothing? Ought it to receive no respect and command no attention? My noble and learned Friend has said that the opinion of the professions is not the opinion of the people, and that this can only be known through their legitimate representatives. But on a question of this description who are to determine? By whose judgment should the general sentiment be guided? Surely the men who alone have opportunity of observing, and have at once a duty and an interest to observe the conduct of a tribunal, are the true exponents of opinion about it? The masses know nothing, and can know nothing, save through their report; and when they combine for praise or blame on such a subject the multitude must follow them. If the working of any judicial institution has their approval, must it not be held of the highest value? The administration of the law is often as important as the law itself, and when those who administer it command the confidence of the advocate and the suitor, the tribunals they control are beyond impeachment. As to the matter before us, the informed opinion of Ireland and Scotland—and of England also, as I am informed, to a very large extent—whilst it desires reform, protests against destruction, and, if the abolition of the judicial functions of this House be permanently achieved, it will occur, not in response to any public complaint or in obedience to

any public condemnation, or in satisfaction of any public desire, but against the remonstrance and in spite of the opposition of the classes in, at least, two of the Three Kingdoms, who are most qualified to speak, and best entitled to be heard, on a proposal vitally affecting their profession, their country, and themselves. Well, then, my Lords, if the retention of your jurisdiction be approved by the highest authorities in the Law and in the State; if there be no adverse finding by Committee or Commission; if public opinion be in its favour, why should you cast away a privilege which you hold, not so much for your own honour, as for the benefit of the nations which beg you to retain it? What assurance have you that the thing to be substituted will be better than the thing to be destroyed? How has it been demonstrated that you cannot combine continuous judicial action, powerful intellect, deep learning, and wide experience, with the *prestige* and the dignity incommunicably attached to a tribunal, so venerable in age and so imposing in authority? What are the conclusive reasons which should compel you to abandon your position in the judicial system of the Empire? Consider for a moment the objections which have been raised against the existing arrangements, and whether, even if they be tenable, they be also irremovable? Those objections, as stated by the Committee of 1856, and since repeatedly urged in discussion, were that the attendance of Judges here is uncertain and fluctuating, the adequate number difficult of maintenance, and the period of the sittings limited by the duration of Parliament. Beyond doubt the interest of the suitor is primarily to be regarded, and it is the first duty of Parliament to obtain for him the best available tribunal. To this object must be subordinated all considerations of political convenience and class privilege; and if these things cannot be made plainly to concur with the effective administration of justice, they must be entirely disregarded. But the objections seem to me removable, and by the simplest means. The attendance of the Law Lords is, to some extent, occasional and uncertain, although I believe it was never less so than it has been for a long time past. But the Committee of 1856, and the Committee of 1872 suggested a simple remedy, which should, at least,

Lord O'Hagan

have been tried before the evil was pronounced incurable. The Committee of 1856 proposed the appointment of Deputy Speakers of the House, who might have been, of course, judicial persons of the highest class; and who would always, with the Lord Chancellor, constitute a permanent Court, deriving aid and counsel from the ordinary Law Lords. The Committee of 1872 made a somewhat similar suggestion as to the association of salaried Judges with the legal Members of the House, and either of these suggestions, if successfully carried out, would have met the main difficulty, not existing, but possible to arise in the actual state of things. Then, as to the cessation of Sittings prematurely, the Committee of 1856 recommended that the House should be authorized by statute to have its Judicial Committees continued in Vacation, and for this recommendation they had the countenance of Lord Hale in his book on the Appellate Jurisdiction. No one can doubt the power of Parliament to adopt such a course, and so that difficulty might have been removed. But further, we have been told—and this is the most common and popular argument against your Lordships' jurisdiction—that it is a "sham" and an unreality, because the Appellate Tribunal is composed only of legal Peers, and not of the majority of your Lordships. Precisely the same objection would have applied at any period of your long history. Your Predecessors always acted according to the judgment of those who were learned in the law. Lord Hale's treatise demonstrates this in many conclusive passages. He says—

"The Judges have been always consulted withal, and their opinions held so sacred, that the Lords have ever conformed their judgments thereunto, unless in cases where all the Judges were parties to the former judgment, as in the case of ship money."

And, again, of the Judges, he says—

"Their opinions have always been the rules whereby the Lords do, and should, proceed in matters of law, especially between party and party."

And he seems to show the way out of the present difficulty by ancient precedent, when he speaks of the Writs—

"By which a certain select number of the Lords with the Judges were commissioned by the King to examine, hear, and determine errors in judgments and decisions."

The rules of action indicated in these

passages have ever governed the judicial conduct of this House, and it seems to me a mistake to suppose, as was suggested by my noble and learned Friend (Lord Hatherley), that the O'Connell case established any new practice, or involved any novel abandonment of jurisdiction. The Appellate Tribunal is as substantial a reality at this moment as it has been at any time since it came into existence, and the suggestions to which I have referred, and which have been repeatedly made without effect, would, if adopted, in my judgment give it vigour, constancy, and permanence, while preserving the peculiar attributes which have so largely won for it the attachment and trust of the community. The objections we have heard, though formidable in seeming, are not fatal in fact. They may be encountered whilst we stand within the historical lines of the Constitution, adapting ancient principles to modern needs, and they do not warrant the ruin of an institution which, by their removal, we shall be enabled to reform. If it be possible at once to save and to amend, are we not bound to do so? Can any one doubt the value of uniting the legislative and the judicial functions of your Lordships' House? Does not their exercise work a reciprocity of advantages which should not be wantonly relinquished? May not your legislation derive clearness and precision from the trained action of legal minds? Will not those minds be enlarged and enlightened, for the purpose of decision by contact with the work of statesmanship, and familiarity with the great social and political questions which occupy the intelligence of the world? And why should the final judgment in the court of last resort be deprived, if it be not clearly necessary, of the impressiveness and the respect with which it has been clothed from connection with the exalted position and the proud memories of this great Assembly? My Lords, you may not be convinced by the arguments which I and those who think with me deem it our duty to submit to you. You may answer—"jacta est alea," and your decision may be irreversible. If it be so, I shall strive to hope the best; but I shall lament that decision, alike in the interest of justice and legislation.

LORD COLERIDGE said, he did not think it would be quite manly, having

had some very small share in the preparation of the Bill of last year, and a good deal in passing it into an Act in the House of Commons, if he abstained from saying a very few words in support of some of the statements of his noble and learned Friend on the Woolsack, and pointing out that some of the assumptions of noble and learned Friends on the other side were not well founded. It was perfectly true that the Bill had been passed in the House of Commons without a single division upon the point, whether the jurisdiction of the House of Lords should be abandoned. Even in their Lordships' House the only Peer who took a division upon it was the noble Lord the Chairman of Committees. Therefore his noble and learned Friend on the Woolsack was entitled to say that, so far as the Legislature was concerned, it had pronounced in the clearest manner in favour of the transfer of the jurisdiction of their Lordships' House to the tribunal created by the Judicature Act of last year. He was surprised to to hear that this transference had been made without notice to Scotland and Ireland; but if Parliament took away, with the consent of both Houses, the jurisdiction of their Lordships in respect to English tribunals—if that were transferred to a new tribunal—could any man of sense have doubted that before long the rest of the jurisdiction would inevitably follow? Could anybody have doubted that if the judicial strength of the House of Lords was to pass to the new Court of Appeal, Scotland and Ireland would not be content to have a Court of Appeal separate from that which was set up for England? Although, technically, Scotland and Ireland were not affected by the Act of last year, it was in vain to say that Scotch and Irish Representatives did not foresee the inevitable result of what was being done; and, if they had objections, then was the time to have stated them. He could understand the noble Lord who moved the Resolution desiring to retain the jurisdiction of the House on Constitutional grounds, if it were not that no one knew better than the noble Lord what attempts had been made to fortify it failing jurisdiction. For many years past appeals had been heard, not by the full House, but by a few selected Members—by two or three, and sometimes by one, at whose judgments a distin-

guished Judge used to hold up his hands in "respectful amazement." This was a state of things it was impossible to defend. With the object of retaining the jurisdiction of the House, repeated efforts had been made to strengthen it, and the result of the consideration of the matter by a Select Committee in 1872, was that it asked for the appointment of a Judicial Committee, to be composed, not necessarily of Peers, but of men of legal eminence, who were to do the legal business of the House. This was, in plain terms, a proposal to transfer the jurisdiction of the House, and the scheme was substantially undistinguishable from that embodied in the Act of last year and the Bill of this.

LORD SELBORNE said, he would have been content to leave the matter where it was if he did not feel called upon to take his own share of responsibility. It was difficult to comprehend and appreciate the arguments based on the alleged state of Scotch and Irish opinion; but it seemed to come to this—that unless their Lordships thought that, under the influence of Scotch and Irish opinion, they ought to undo what they did for England last year, and to remodel the Final Court of Appeal for England, the voice of Scotland and Ireland had pronounced in favour of the principle of the present measure. The Lord Justice Clerk had certainly failed to show that the Imperial Court of Appeal would be a Court of Queen's Bench, or of Common Pleas, or any other purely English Court, or anything but a truly Imperial Court, hearing appeals from all parts of the British Empire. Why did not Scotland and Ireland object last year when English appeals were taken from the House of Lords? The Bill was introduced early—it was delayed that it might be fully considered; and the Government were reproached for not pushing it forward with sufficient rapidity. It was then open to Scotland and Ireland to have said—"We object to English appeals being taken from the House of Lords, because the interests of Scotland and Ireland cannot be separated from those of England, and because we prefer that our appeals should go to the House of Lords." What was the explanation of the silence last year of the then Lord Chancellor of Ireland, of the Lord Justice Clerk, of the Scotch and Irish Judges, and of both branches of

the Profession? They should have protested against the transfer of English appeals before it was made by Act of Parliament, instead of waiting a year, and then asking that what had been done should be undone. Nor did the matter pass without warning, for he (Lord Selborne) stated in his speech introducing the measure that his reason for not proposing to include appeals from Scotland and Ireland was, that he was not at the time informed of the existence of a state of opinion in those countries which would justify him in making the proposal. He added that he would not conceal his opinion that if the Bill were to pass, and the new Court to be successful, a not remote consequence would be that the Scotch and Irish appeals would also be attracted to it. The matter, however, did not rest there; for an expression of opinion did proceed from Scotland and Ireland with much greater rapidity than he expected, and when this House had decided on the question of English appeals, and the Bill had passed into the House of Commons, there came from the profession in Scotland and Ireland a pressure to introduce into the Bill such provisions as might be necessary to give Scotland and Ireland the benefit of the new Court of Appeal, expressly on the ground—for that was the language in Scotland—that it was essential that the same Court of Ultimate Appeal should decide appeals from both countries. And as regarded Ireland, assuredly he was not to understand that the late Lord Chancellor of Ireland held the opinion then which he held now, and thought it right to remain silent. He must say, after the total absence of any expression of dissent, direct or indirect, while the Bill of last year was pending, and after their declaration in favour of participating in the benefits of the new Court, that their Lordships should now be told that Ireland and Scotland wished all that had been done to be undone—not that those countries might remain as they were, but that English, Scotch, and Irish appeals should be inseparably united—was what he could not understand. If, however, their Lordships would not conclude to undo what they had done as to England, they would pass this Bill in order that Scotland and Ireland might have the alternative which they deemed

so essential—namely, the benefit of the same jurisdiction for Scotch and Irish as for English appeals. As to the opinion of the Irish Solicitors, if the public organs of information which he had seen were not erroneous, the Irish Solicitors expressed their opinion by a majority of 15 to 12—a very narrow majority of three in a body composed of 27. The late Lord Derby, Lord Granville, and almost all who took part in the debate of 1856, were agreed that in this matter it was the interest of justice, not the supposed dignity of this House, which ought to be consulted. Well, he (Lord Selborne) would ask their Lordships, in the name of common sense, if they were to create an appellate jurisdiction—and if they passed this Resolution they must do so, because they would destroy that which was now established by Act of Parliament—if they were to create *de novo* an appellate jurisdiction from all the Courts of this Realm, was it possible—was it conceivable by any human being, that they would think it right, wise, rational, or politic to establish a tribunal which should sit at most only six months of the year, and during those six months should be liable to be interrupted by every Prorogation, Adjournment, and Dissolution of Parliament, and which, during those six months, should sit only four days in the week, because the House did not sit the other two? That was a thing which nobody in his senses would think of recommending as conducive to the due administration of justice. Would their Lordships select for a Court of Justice a place remote, or which would soon be remote, from all other Courts, with no better accommodation for the profession than was provided at their Lordships' Bar? Would they think it right to establish a Court in which there would be no certainty of a continual supply of a sufficient number of fit and proper persons for the administration of justice, a supply which it would be impossible to obtain and keep up unless men were made hereditary Peers whether they had fortunes and inclinations suitable or not? To put these questions appeared almost to reduce the thing to an absurdity. No doubt the antiquity of the institution, the dignity of this House, and the manner in which, on the whole, it had satisfied the requirements of

public opinion, might be pleaded for the continuance of the jurisdiction while it existed. But no one in his senses would have thought of establishing a jurisdiction subject to such embarrassments and inconveniences, or of re-establishing it after its removal. It had been said that the country had been taken by surprise. But the fact was, the subject had been under consideration almost without interruption for the last 50 or 60 years. Lord St. Leonards, before he was a Peer of Parliament, and at a time when it was more easy for him to take an unprejudiced view of the question, reviewed in a book universally known, the mode in which the jurisdiction of the House of Lords was exercised, and he was by no means so complimentary as some of their Lordships might expect. The jurisdiction had been in constant process of change, and had at no time been satisfactory, during the last 200 years. Originally, the Judges were required to attend the House during the whole time of all its sittings, and were reproved by Lord Somers for their laxity in the performance of that duty; and the only period at which no complaint was made, was when the House merely registered, and gave effect to, the opinions of the Judges. In the time of Charles II., when Lord Shaftesbury described the jurisdiction (which, as to appeals from the Court of Chancery, had been for the first time assumed—he might truly say usurped—in the preceding reign), as so precious a privilege of their Lordships, the same noble Lord, in the very same speech, referred to the practice of canvassing for the votes of Peers on appeals, and to the exercise of Royal and female influence to obtain those votes, as scandalously notorious. During the interval between that time and the present century, there were not a few instances of lay Peers voting, and altering by their votes the decision of appeals; and during many years the appeals to this House were generally heard by a single Law Lord, sitting alone. No doubt Lord Hardwicke and Lord Eldon were very great men, and did much for the improvement of the law; but, even in their times, this state of things did not commend itself to the general intelligence of mankind. In the last days of Lord Eldon, and in the time of Lord Lyndhurst, who succeeded him, Lord Gifford,

who had never known anything of Scotch law, and but little of English equity, often sat alone to decide both Scotch and English cases; and Sir John Leach, who was not a Peer at all, was brought in, and also sat alone, without being able to open his lips in the House, being obliged to adjourn to a Committee Room to tell the counsel and parties the reasons for his decisions. Sir John Lefevre, in his evidence before the Committee of 1872, stated that between 1833 and 1856 there were no less than 200 appeals decided by the Lord Chancellor alone, or by a single Law Lord (Lord Brougham), who frequently sat alone; and that about the same number, 200, were decided by only two Law Lords. Nobody could suppose that all the decisions, given under such circumstances, were satisfactory to the suitors, or to the profession; in some cases they were very much the reverse indeed. Lord St. Leonards, in the book to which he had referred, found very great fault with the manner in which the jurisdiction had been exercised before 1849. He criticized not less than 21 decisions as unsatisfactory, and others might easily be added to that number. No doubt there had been, of late years, a considerable improvement, owing chiefly to the greater legal strength which their Lordships' House had obtained, through the unusually frequent changes in the office of Chancellor; but many of those changes had been due to accidental circumstances, which were not likely so often to occur hereafter, and no one could reckon upon the continuance for any long time of such a state of things. He wished as shortly as he could to remind their Lordships of the various inquiries and attempts to improve their jurisdiction which had been made during the present century, always without any result. Before 1830 there were two inquiries, ending in nothing but the introduction of Lord Gifford and Sir John Leach, to which he had already referred. In 1830 Sir Edward Sugden proposed legislation on the subject; in 1833, Lord Brougham again proposed legislation; in 1834, Lord Melbourne again proposed legislation,—all which schemes contemplated essential changes, and all proved abortive. In 1835, Sir Edward Sugden addressed a letter, in the form of a pamphlet, to Lord Melbourne, in which he said—

Lord Selborne

"An effective Court of Appeal is a necessity; it can no longer be dispensed with."

And this opinion he repeated as late as 1849. In 1836, and again in 1839, Lord Cottenham and Lord Langdale proposed elaborate schemes of legislation on the subject, differing from each other, which also failed. In 1841 Sir Edward Sugden, then in the House of Commons, introduced a Bill of his own, of which the leading proposals were that two salaried Judges should be appointed to assist the House of Lords, and also the Judicial Committee of the Privy Council, in hearing appeals, who were to be at liberty to give reasons for their judgments, but to have no votes, unless they were Peers; and that the Equity Judges might be summoned to attend the House. In introducing this Bill, he said—

"The general feeling of the country with reference to the system now in force is such that it cannot continue much longer, but must inevitably be reformed; and so strongly is the necessity for this reform felt, that no professional man will conscientiously recommend an appeal to the House of Lords if it appears probable that the same individual will preside in the House of Lords upon the appeal. Such a mode of hearing appeals, in my opinion, amounts to a denial of justice."

This Bill, like all its predecessors, failed. Then came the O'Connell case, in 1844, when the lay Peers finally relinquished the right of taking part in the decision of appeals, admitting, practically, that it was not the House of Lords, but a small number of Judges sitting in the House of Lords, in whom the jurisdiction exercised in the name of the House was really vested. In 1851 the noble Lord, the Chairman of Committees, came forward with the same remedy, which he again suggested last year. He moved an Address to the Crown, praying that—

"For the advantage of the House, and the suitors thereof, and for the honour of the legal profession, Her Majesty will be graciously pleased to sanction the erection of the offices of Lord Chancellor, Chief Justices of the Queen's Bench and Common Bench, and Chief Baron of the Exchequer, into Baronies, which shall entitle the holders of the said offices to writs of summons to Parliament, by tenure of the said offices."

The noble Lord did not succeed in persuading the House to agree to that Motion. In 1856 the attempt was made, in the person of Lord Wensleydale, to meet the difficulty by the creation of Peers for life; but the right of the Crown to confer

seats in this House upon Peers so created was denied; and an inquiry by a Select Committee of this House, moved for by the late Lord Derby, followed. In moving for that Committee, Lord Derby created one of those changes, which the most experienced witnesses afterwards examined, and indeed all persons who had given their minds to the subject, thought indispensable, as inconsistent with the very nature and substance of the jurisdiction of this House.

"With regard," he said, "to the fact, that for one half the year the Tribunal of the highest Court of Appeal is closed to the public; this is an objection (if it be an objection) which is inseparable from the primary consideration of whether the jurisdiction should be vested in the House of Lords or not. If vested in the House of Lords, it follows, as of necessity, that that Tribunal can only sit while the House of Lords is sitting, and can only in that way pretend to exercise its functions."

Lord Campbell, on the same occasion, advocated the establishment of a Judicial Committee, nominally of the House of Lords, but which should include a certain number of Scotch and Irish Judges, who might not be Peers. Lord St. Leonards and Lord Cranworth warned the House of the difficulties in the way of any such attempts to remove the objections to the jurisdiction. Lord St. Leonards, whose mind had been exercised upon it for above 30 years, said—

"It is one of the greatest problems that ever came before this House, what shall be the alterations made; bearing in mind that you have to preserve your own right, as regards the actual voting, and, on the other hand, that you want legal assistance, and constant legal assistance. Depend upon it, that the remedy has not yet been hit upon by any human being; for I have examined every one of those suggested."

Lord Cranworth said—

"I am afraid we are instituting an inquiry into a problem which it will be extremely difficult to solve."

The Committee, then appointed, examined many witnesses, of great experience in the law; and almost all of them advocated extensive changes, incapable of being carried into effect without legislation. Among them, the present Lord Chief Baron, Sir FitzRoy Kelly, said—

"I cannot but think, speaking with all the respect which I unfeignedly feel for this Judicial Tribunal of the House of Lords, its days are numbered, unless some great change takes place in its constitution."

In May 1856, that Select Committee made its report. It stated, that there was—

"a great preponderance of opinion in favour of some change in the manner in which the appellate business of the House is at present conducted."

and it recommended, that there should be two salaried Law Lords, who should be deputy-speakers, qualified by having held high Judicial office in the United Kingdom for not less than five years—that they should have power to sit during the Prerogation of Parliament—and that Life Peerages, not exceeding four in number, should be created. A Bill was consequently introduced by the then Government, which was allowed to drop in the House of Commons, not because there was not time to proceed with it, but because it was manifestly unacceptable to the House. It was strongly opposed, among others, by the late Sir James Graham; whose tone held out no prospect of any consent, by the House of Commons, to arrangements not devised for the purpose of establishing the best possible system of appeal, but for that of enabling the House of Lords to retain the name of a jurisdiction, which, in substance, it could not satisfactorily exercise. The noble Lord at the Table had referred to some words, which he, (Lord Selborne), had himself used in the House of Commons, when supporting that Bill. These words were very sincerely spoken; but they were spoken in the hope, that something would really be done, to remove the objections to a jurisdiction, which a sentiment, of which he had no reason to be ashamed, made him, like so many others, then unwilling to part with. But nothing was done; and nearly 20 years more passed away, and still nothing was done. The subject was necessarily revived, when the rest of the judicial system of the country came under revision, and when the Judicature Commission made its first Report. In 1871, and 1872, his noble and learned Friend (Lord Hatherley), then Lord Chancellor, introduced two successive measures upon the subject, both in vain. The last of them was referred to a Select Committee of this House; before which Lord Hatherley himself proposed to substitute, for the scheme of his Bill, another plan, by which the House would, even in form, have relinquished its jurisdiction; and,

though that plan was not adopted, the Select Committee reported in favour of another plan, proposed by his noble and learned Friend now on the Woolsack, (Lord Cairns), which would have retained the jurisdiction in name only, while really relinquishing it in substance. According to that plan, a number of Judicial Lords were to have been created, with power to vote upon Appeals only, and not upon political questions. Those recommendations received no support, either from the House or from the country; and what was then left to fall back upon? What, but the opinion, which had been deliberately expressed by so great an authority as Lord Chief Justice Cockburn in 1871, when criticizing, in a published pamphlet, the Bill then before this House? He (Lord Selborne) had quoted that passage last year; but the House would excuse him for now quoting it again—

"The scheme for the creation of a new Appellate Jurisdiction appears to me," said the Chief Justice, "to labour under the radical defect, that it is founded on the basis of retaining the jurisdiction of the House of Lords. Surely the time has come, when the House of Lords may be asked to give up a jurisdiction, which it has only in name, which the House itself does not and cannot exercise, and which, although exercised in its name, is, in reality, committed to three or four Law Lords. It may be hoped that in furtherance of the public interest the House would without any great difficulty, be induced to part with so shadowy an authority."

In one way or other, it was absolutely impossible, last year, to avoid dealing with the subject. The Judicial system could not in other respects be re-modelled without at least some attempt to place the Supreme Appellate Jurisdiction of this country upon a footing, which might satisfactorily and permanently accomplish those objects, for which such a jurisdiction ought to exist. Never was any proposition made after a longer course of preparation, a more prolonged series of inquiries and tentative measures, all resulting in a practical demonstration, that the jurisdiction of the House of Lords could not be substantially retained, and at the same time substantially changed. When he brought forward the measure of last year, he consulted all the Judges: not one of them, that he could remember, so much as suggested, that the jurisdiction of the House ought to be preserved; more than one of them, certainly, expressed a very

decided approval of the proposal, that it should cease. That proposal was supported by public opinion out-of-doors; and it was assented to, in a manner which did their patriotism and public spirit great honour, by their Lordships themselves. Their Lordships recognised the fact, that their true dignity, and real political power, would not be increased, either by maintaining an imperfect Tribunal of Final Appeal for political rather than Judicial reasons, or by creating—if that had been possible—a new constitutional fiction, for the sake of retaining an old one. His noble and learned Friend (Lord Penzance) said that this subject had never been inquired into by any Commission. It was not a subject which any Ministry could have appointed a Commission to inquire into, unless at the express instance of their Lordships, without forgetting what was due to the honour and dignity of this House. Last year, even the initiation in the House of Commons of any legislation on such a subject, not already assented to by their Lordships, was resented—though on grounds with which he did not himself agree—as a violation of their Lordships' Privileges. Nor was there any need for such an inquiry. The greater part of this century, as he had already shown, had been occupied with inquiries and attempts at legislation, which really exhausted the subject. And now, what was the practical meaning of the noble Lord's proposal? Were we to undo what was done last year, and to do nothing else? Or, if something else was to be done, what was it, and by what authority was it to be done? The noble Lord seemed to think that we might revert to the original system of Triers of Petitions, such as he supposed it to have been in the infancy of this jurisdiction. But he could hardly intend that this House should, by its own sole authority, take upon itself to revise institutions practically obsolete since the days of the Plantagenets, and introduce new modes of exercising the Supreme Appellate Jurisdiction, without the authority of an Act of Parliament. A jurisdiction, resting on a new Statute, would not be the present jurisdiction of this House. What greater reason was there now for supposing that Parliament would create such a new jurisdiction, and make this House the seat of it, more than there

was at any other time within these last 50 years? And what possible ground could there be for supposing that any such system would work for the purposes of justice better than, or as well as, that which was agreed to last year, and which the Bill now before the House proposed in some details only to modify? Had those, who thought it would be possible for this House to delegate to the Law Lords the duty of hearing appeals throughout the year, considered how that would work? In the first place, it would withdraw the Lord Chancellor entirely from the Court of Chancery. The other Law Lords, whose services must be relied on, were Ex-Chancellors, not bound to that duty by any strict legal obligation; some of them were men far advanced in years, and a perpetual succession of such wonderful octogenarians as we had lately seen could not be expected. Such men had been found willing and able to take part in the hearing of appeals for four days a week during the six months, or less, in every year, that the House now sat. But did it follow that they would be equally ready and equally able to meet the demand which would be made upon their physical strength and public spirit if they were required to sit daily throughout the year, except during the legal vacations? It might be suggested, as it had been so often before, that some of the Judges, though not Peers, might be called in for the assistance of the House. Had those, who made that suggestion, really considered the extent of the interference which it must involve with the other, not less urgent and important, duties of the Judges, if they were to give the House a real and effective, and not only a nominal assistance? There were already, and there had been often in past times, very eminent Judges, who were Peers; but it had not been found compatible with their other duties for them to give any substantial aid to this House in the hearing of appeals. The House already, once or twice in every Session, had the benefit of the attendance on certain appeals of many of the learned Judges; but it could only be given for a few days at a time, at rare intervals, and then not without inconvenience. In the new Court of Ultimate Appeal would sit the very same men who would otherwise have administered justice in their Lord-

ships' House, and they would be reinforced by many others. The present measure was nothing but the complement of the Act of last Session, which everybody saw must come. Would it really be for the interests of their Lordships' House, after this question had been so often debated and considered, after every attempt for so many years to apply a remedy for the better hearing of appeals had turned out fruitless, and after their Lordships, in a manner which reflected the highest honour upon them, had voluntarily made a concession of one of their ancient privileges in the interest, as they believed, of justice, to endeavour to grasp back what they had voluntarily relinquished, and thus throw their powers and privileges into the political arena as matters of party contention? Nothing, in his opinion, could be more unwise or disastrous. He was convinced their Lordships would be influenced only by what they considered best for the interests of justice; and, in his judgment, that consideration should lead them to adopt the proposition of his noble and learned Friend on the Wool-sack.

On Question? Their Lordships *divided*:—Contents 23; Not-Contents 52: Majority, 29.

Resolved in the Negative.

Then it was moved that the House do now resolve itself into Committee; Motion *agreed to*; House in Committee accordingly: House resumed: House to be again in Committee on *Tuesday* next.

PAROCHIAL RECORDS (IRELAND)

BILL—(No. 68.)

(*The Earl of Belmore.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF BELMORE, in moving that the Bill be now read the second time, explained the object to be to provide for the safe custody of the records and registries which at the time of its disestablishment were, or ought to have been, in the care and control of the officers of the Established Church of Ireland, but which were now under the care of several persons, and many of them kept in unfit and unsafe buildings. It was proposed that the officers who were at present in lawful custody of

these documents should receive compensation for the loss of their fees and emoluments. It was proposed that the records should be in the custody of the Registrar General until they should be finally deposited in the Record Office. It was further proposed that duplicate certified copies of each record should be made—one to be retained in the local registry from which it might have been removed; the other by the Registrar General to be kept with the registers of births, marriages, and deaths provided by statute.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Belmore.*)

THE LORD CHANCELLOR said, it was very doubtful whether any staff of clerks sufficiently numerous could be established to make two copies, as was proposed of the 75,000 volumes of records to which the Bill related. But a more important matter was that the Bill dealt with the surplus of the Irish Church Fund, with the object of giving compensation out of it for the fees in connection with the records which certain clergymen in Ireland had up to the present been in the habit of receiving. He was not at present prepared to say that it would be right that those clergymen should suffer any loss under the circumstances; but a proposal of the kind was one which ought to be introduced by the Government. He could assure his noble Friend that he would take up the subject with as little delay as possible, and he hoped therefore that he would rest satisfied with having the Bill read a second time and not proceed any further with it.

THE EARL OF BELMORE consented.

Motion *agreed to*; Bill read 2^a accordingly.

COURT OF JUDICATURE (IRELAND)

BILL—(No. 57.)

(*The Lord Chancellor.*)

COMMITTEE.

House in Committee (according to Order.)

Clauses 1 to 5 *agreed to*.

Clause 6 (Constitution of High Court of Justice in Ireland.)

THE EARL OF BELMORE moved to omit the word "seven," and to substitute "eight"—his object being, he said, to secure for the Landed Estates Court the

services of a second Judge, who, however, might also be made available for one or other of the Departments of the High Court. When the Common Law Judges were reduced from 12 to 10, he proposed that an additional Judge should be appointed to assist the Judge of the Landed Estates Court.

THE LORD CHANCELLOR said, the question of appointing an additional Judge of the Landed Estates Court had been considered by Her Majesty's Government. He had had the pleasure of receiving a deputation from the body to which the noble Earl had referred upon the subject. He asked them whether there was any arrear in that Court, or whether there had been any delay in the administration of justice. Their reply was, No. He had also received a copy of a note sent to the Chief Secretary for Ireland by the learned Judge who presided over the Court, which stated that there were no arrears whatever, nor was the regular business of the Court beyond the power of the Judge and his officers to dispose of. In such a state of things the noble Earl would judge whether it was the duty of Her Majesty's Government to appoint another Judge.

Amendment *negatived*.

Clause *agreed to*.

Clauses 7 to 33 *agreed to*.

Clause 34 (Divisions of the High Court of Justice.)

THE EARL OF BELMORE proposed to reduce the number of Divisions from "five" to "four," and to place the Judge of the Court of Probate and for Matrimonial Causes and the Court of Admiralty under the Common Pleas Division.

THE LORD CHANCELLOR said, he thought there was much to be said in favour of the proposal of his noble Friend. He would consider the matter carefully before the Report.

Clause *agreed to*.

Other clauses *agreed to*.

The Report of the Amendments to be received on *Thursday* next, and Bill to be printed as amended. (No. 98.)

THE CONFERENCE AT BRUSSELS.

QUESTION.

LORD STANLEY OF ALDERLEY asked the Secretary of State for Foreign

The Earl of Belmore

What subjects were to be considered at the Congress announced as to meet at Brussels, and whether a Representative was to attend at Congress?

EARL OF DERBY: A few weeks ago Majesty's Government received information that the Russian Government intended to propose an International Conference to be held at Brussels for the purpose of considering and discussing the laws and usages of war as observed by armies in the field; with a view, as I presume, to introduce some more uniform system in such matters. Among the subjects proposed for consideration were mentioned the exercise of military authority in an enemy's country, the distinction to be drawn between combatants and non-combatants, the treatment of prisoners of war, the laws of reprisals, and various matters of similar character. We have not, as yet, sent any reply as to our part in that Conference. We have expressed ourselves in communication with other Governments with a view to ascertain their intentions on the subject, and when we hear their intentions we shall be able to say whether we shall participate in the Conference or not.

GOVERNMENT BOARD'S PROVISIONAL CONFIRMATION (NO. 4) BILL [H.L.] to confirm certain Provisional Orders of the Local Government Board relating to the parishes of Brecon (two), Canterbury, East Valley, East Stonehouse, Gorleston, Grimsby, Kingston-upon-Hull, Liverpool, Merthyr Tydvil, Portsmouth, Road, and Willemsden—Was presented by The Secretary of State; read 1st; and referred to the Committee. (No. 97.)

House adjourned at Ten o'clock
'till To-morrow, half past
Ten o'clock.

USE OF COMMONS,

Thursday, 11th June, 1874.

[S.]—**SELECT COMMITTEE—Consular Service, appointed.**
BILLS—Second Reading—Factories Act of Women, &c. [115].
Committee—Homicide Law Amendment Act. Mr. Lowe added.

Committee—Report—Militia Law Amendment * [130]; **Alkali Act (1863) Amendment** * [99]; **Canadian Stock (Stamp Duty on Transfers)** * [133]; **Apothecaries Act Amendment** * [71]; **Building Societies (re-comm.)** * [132].

Considered as amended—Churches and Chapels Exemption (Scotland) * [108]; **Courts (Colonial) Jurisdiction** * [111].

Third Reading—Harbour of Colombo (Loan) * [66]; **Land Tax Commissioners Names** * [76]; **Board of Trade Arbitrations, Inquiries, &c.** * [86]; **Herring Fishery Barrels** * [107]; **Bar Admission (Stamp)** * [109]; **Public Health (Scotland) Supplemental** * [106]; **Four Courts Marshalsea, Dublin** * [116], and passed.

Withdrawn—Factory Acts Amendment * [5].

ARMY—CUNNINGHAM TRAINING GEAR FOR LARGE GUNS.

QUESTION.

MR. NAGHTEN asked the Surveyor General of the Ordnance, Why the recommendation of the Ordnance Select Committee, January 29th 1868, and approved of by the Secretary of State for War, for the adoption of the Cunningham training gear for traversing all land service guns of 12 tons and upwards, has been only very partially carried into effect; and, whether any adverse report has been received as to the working of the Cunningham gear; and, if so, if he will lay a Copy of such Report upon the Table of the House?

LORD EUSTACE CECIL, in reply, said, it was true that the Committee referred to reported in favour of the invention; but that Report was cancelled in consequence of sundry adverse Reports made by the Committee of 1871. There would be no objection to lay a Copy of the Reports upon the Table of the House if moved for in the regular way.

THE HIGHWAYS ACT.

QUESTION.

MR. WENTWORTH BEAUMONT asked the President of the Local Government Board, If he intends to give effect to the recommendations of the Select Committee on the Turnpike Continuance Acts and carry out the opinions he expressed to the House in March 1870, "that the Government should speedily introduce a short Act for the compulsory adoption of the Highway Act?"

MR. SCLATER-BOOTH, in reply, said, it was not intended to introduce such a Bill during the present Session, inasmuch as it might prejudice the settlement of the question on a more com-

prehensive basis in another year. His own opinion, however, was that the repair of the roads should be a district and not a parish charge, and that the Highway District Act should be compulsory.

THE JUDICATURE ACT—THE RULES. QUESTION.

SIR GEORGE BOWYER asked Mr. Attorney General, Whether the New Rules under the Judicature Act could be laid before Parliament previous to the middle of July, as three weeks are not sufficient for Parliament to consider them; and, if not, what course will be pursued for their due consideration by Parliament; and, whether the rules regarding pleading have been considered by the Judges?

THE ATTORNEY GENERAL: Sir, in answering the first Question of the hon. and learned Member, I must not be understood as assenting to the affirmative proposition upon which it is founded—namely, that three weeks would not be sufficient for Parliament to consider the new Rules under the Judicature Act. As regards the Question itself, I have to state that, though every reasonable exertion has been, and will be made to lay the Rules before Parliament at as early a period as possible, I think that I should be misleading the House were I to suggest that it is probable that that could be done before the time named by me on Monday last, that is—the middle of July. I must remind my hon. and learned Friend that there is nothing in the Judicature Act of 1873 which requires the new Rules to be laid before Parliament during the present Session. The Act clearly contemplated the possibility of their coming into operation before they had been submitted to the House. And, in answer to the second Question of my hon. and learned Friend—namely, “what course will be pursued for the due consideration of the Rules by Parliament?” I can only state that the course pointed out by the Act of last Session will be adhered to. In reply to the third Question, “whether the Rules regarding pleading have been considered by the Judges?” I must refer my hon. and learned Friend to the very full explanation upon the subject which I gave on Monday last, and which I feel I should not be justified in occupying the time of the House by repeating.

Mr. Selater-Booth

GREECE—DIPLOMATIC RELATIONS— THE DEBT.—QUESTION.

MR. HANBURY asked the Under Secretary of State for Foreign Affairs, Whether the Government has received information, since a question was asked on this subject, of the intention of the Greek Government to re-establish diplomatic relations with various European Courts, including our own; and, whether the Greek Government has taken, or has intimated its intention of taking, any steps towards the repayment of the large amounts due by it to the British Government and other public creditors in this Country; and, if not, whether any representations have been made to the Greek Government on that subject?

MR. BOURKE: Sir, since this Question was put to me before. Her Majesty's Government have received information that the Greek Government has determined to re-appoint diplomatic representatives to the principal Courts of Europe. With regard to the Greek guaranteed loan, a full account of the present state of that loan is to be found in the Return laid upon the Table of the House within the last few weeks. No representations have been addressed to the Greek Government of late, either upon the subject of that loan, or of the other public debts of Greece.

NAVY—THE RESERVE SQUADRON. QUESTION.

LORD ESLINGTON asked the First Lord of the Admiralty, Whether it is his intention to make the necessary arrangements for the summer training and evolutions of the Royal Naval Reserve Squadron; and, if so, what those arrangements are?

MR. HUNT: There will, Sir, be no squadron of Reserve ships sent out for the practice of evolutions this summer. Several of those ships are under repair, and the vessels which have temporarily supplied their places are not fit for squadron cruising. The coast-guardmen will be embarked for exercise during this and the next two months in such ships as are fit for sea, and the ships will cruise singly. One ship is already at sea, and will return and change crews in July and make a second trip. By this means about 1,800 men will be exercised.

**PRISONERS OF WAR—CONFERENCE
AT BRUSSELS.—QUESTIONS.**

MR. SERJEANT SIMON asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a paragraph which has lately appeared in the daily papers, stating that a Congress of the European Powers is, at the instance of the Russian Government, about shortly to be held at Brussels; whether Her Majesty's Government have received any official notification on the subject; and, if so, what is to be the object of the Congress, and what the subjects to be considered thereat; and, whether Her Majesty's Government have been invited, and whether they intend to send representatives thereto?

MR. BOURKE: Sir, a proposal was made in April last by a French Society, called "The Society for the Amelioration of the Condition of Prisoners of War," for Her Majesty's Government to send a representative to a conference which the Society desired to hold at Brussels. Before Her Majesty's Government could come to any decision on this request an intimation was received that the Russian Government intended to bring before the Governments of other Powers a more comprehensive scheme for discussion. This project has since been received, and invites Her Majesty's Government to appoint a representative or delegate to attend an International Congress to be held at Brussels for the purpose of considering a Code which the Russian Government has prepared for the guidance of commanders in the conduct of military operations, and the relations between belligerents in the field. This project contains three sections and 18 chapters, deals with a variety of questions, among others, the exercise of military authority in the enemy's country, the distinction between combatants and non-combatants, the modes of warfare, reprisals, the treatment of prisoners of war, and other similar subjects. Her Majesty's Government have not yet determined whether it would be useful for them to take any part in this Conference, but are in communication with other Governments with the view of ascertaining what are their intentions in the matter.

In reply to Mr. Serjeant SIMON,

MR. BOURKE said, that there would be no objection to lay the proposal of the Russian Government on the Table of the House as soon as it became the property of the Government. At present, it was not the property of Her Majesty's Government.

ANNEXATION OF FIJI.—QUESTION.

MR. WILLIAM M'ARTHUR asked the Under Secretary of State for the Colonies, Whether the Government has received Despatches from Commodore Goodenough and Mr. Layard relative to the annexation of Fiji; and if so, when they will be laid upon the Table of the House?

MR. J. LOWTHER: Sir, the Report arrived last night. As the document is a very voluminous one, there has been no opportunity in the interval of ascertaining whether it contains matters of a confidential character, which could not with propriety be laid upon the Table. The subject, however, will be immediately considered, and in the event of no objection arising from the cause indicated, the Papers will very shortly be presented to Parliament.

VALUATION ACTS (IRELAND).

QUESTION.

CAPTAIN NOLAN asked the Financial Secretary to the Treasury, What sum has been paid in each of the three preceding years to the Commissioners of Her Majesty's Treasury by the treasurers of the counties, cities, and towns in Ireland, under the several Valuation Acts (Ireland), 15, 16, 17, 18, 23, and 24 Vic.?

MR. W. H. SMITH, in reply, said, that the sum paid to the Commissioners of Her Majesty's Treasury by the treasurers of the counties, cities, and towns in Ireland was, in 1871, £10,990, in 1872, £10,061, and in 1873, £10,832.

SCIENCE AND ART DEPARTMENT (IRELAND).—QUESTION.

SIR ARTHUR GUINNESS asked the Chief Secretary for Ireland, Whether Her Majesty's Government will take steps to give effect to the recommendations of the Commission on "The Science and Art Department in Ireland," which was issued in 1868 and reported in 1869, among other things—

"That, in order to afford advantages and facilities to students, artisans, and others in Dublin,

in some respects similar to those which are yielded by the South Kensington Museum in London, and, in other respects, to those afforded by the Science and Art Museum in Edinburgh, it is very desirable that there should be a general Industrial and Fine Arts Museum in Dublin, that the people of Ireland might there obtain the fullest opportunity of improvement in the cultivation of the industrial and decorative arts by the study of approved models and objects."

SIR MICHAEL HICKS-BEACH, in reply, said, the Question related to a matter of very great importance to Dublin and to Ireland generally, and one which, if carried out, would entail a very considerable expenditure. The recommendation was made by a Commission which reported in 1869, and the fact of its having been for four years under the consideration of the late Government without any action having been taken upon it showed that the question involved was one of considerable difficulty. All he could say at present was, that his best attention should be given to the subject, and he hoped that, after sufficient time had elapsed for the purpose, he should be able to make some proposal to the House.

PARLIAMENT—BUSINESS OF THE HOUSE.—RESOLUTION.

MR. GATHORNE HARDY said, that in the unavoidable absence from this House of his right hon. Friend the Prime Minister, he would move the Resolution which stood in his name. As his right hon. Friend had fully explained the reasons for his proposal, it would not be necessary to re-state them. The Motion was—

"That upon Tuesday next, and upon every succeeding Tuesday during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having the priority."

SIR GEORGE JENKINSON said, he did not intend to offer any formal opposition to the Motion, but he wished to point out the hardship which was inflicted upon private Members by the course proposed to be taken. He had himself an important Notice upon the Paper, and other hon. Members were in a similar position. He therefore hoped the Government would extend to private Members all the facilities which the progress of Public Business rendered possible.

SIR WILFRID LAWSON said, that since the hon. Member for Whitehaven

(Mr. Cavendish Bentinck) and the hon. Member for York (Mr. J. Lowther) had been absorbed into the Ministry, private Members had been left forlorn and without champions. He was not going to take upon himself the functions so ably fulfilled while in Opposition by either of the hon. Gentlemen he had named; because, in his humble opinion, private Members must be sacrificed when great objects of public interest stood in the way. In fact, he was not at all sure that at this time of the year private Members did not become public nuisances—especially in hot weather. This view was rather borne out by what generally occurred on Tuesday evenings at this period of the Session. If a private Member managed to get his Motion before the House it generally happened that the poor man was counted out at about half-past 8 o'clock. He did not wish to oppose the Motion brought forward by the right hon. Gentleman, as he was most anxious to facilitate the passing of the 17 important Bills mentioned by the Prime Minister a few evenings back. He thought those measures and the two spiritual Bills which had yet to come down from the House of Lords would occupy the whole remainder of the Session, and leave no time for the projects of private Members. The Prime Minister had classified the measures of which he had spoken, putting them under the heads of first, second, and third class; but there was one matter which the right hon. Gentleman had not treated quite fairly, and that had reference to the new constitution of the Gold Coast—a question which would require to be well considered and fully discussed, but which had been adroitly got rid of by the adjournment of the recent discussion to the 31st of July, when Parliament might or might not still be sitting. The estimate of the amount required was £35,000, and he thought the House ought to have an early opportunity of judging whether the policy proposed was worth the money it would cost. If it were to be what was described in "another place" the country would be astounded, and there ought to be no unnecessary delay in discussing the subject in that House. They had had a war there, in which a great many lives were sacrificed, and he hoped on all accounts that the Government would bring on the question without

delay. They wanted to know if this new constitution would produce peace and security, or violence and disorder.

MR. GOSCHEN wished to know whether, in the event of the Motion before the House being agreed to, the Government intended to devote Tuesday evenings entirely to Government Bills, as it was rumoured that there were certain Bills not in the hands of the Government, but practically adopted by the Government, to which priority would be given.

MR. DILLWYN said, he did not intend to oppose the Motion of the Government, but to call attention to the "dead lock" to which the Business of the House was always exposed in the months of June and July. He believed a great deal of that was owing to a practice which had lately come into operation, of allowing Bills to be introduced and read a first time without any discussion whatever. Many of these measures might very well be discussed at that stage, and got rid of at once — the "innocents" being strangled at their birth instead of being slaughtered at a later stage. He wished to give Notice now that at the beginning of next Session he should propose that these "innocents" should be examined at the outset by having some discussion on them, to see whether they were likely to survive or not.

MR. PEASE said, he thought the Government should give facilities to private Members who had Notices on the Paper which would be displaced by the present Motion to have their subject-matter discussed. With respect to "Counts out," if a question was not deemed of sufficient importance to keep a House of 40 Members, he doubted whether such a question was worth bringing forward at all.

MR. NEWDEGATE said, he thought there was a great deal in what the hon. Member for Swansea (Mr. Dillwyn) had said as to the necessity for exercising some discrimination as to the nature of the measures to be submitted to the House, and that the House ought to have a fuller statement as to the objects of those measures before deciding whether they should be admitted or rejected. Great inconvenience arose from the practice of introducing Bills at an early stage and deferring their second reading to a late period of the Session, some of

them being introduced in March and the second reading put off into June or July. He considered it essential on introducing a Bill that a Member ought not to be allowed to put the second reading off longer than a month. But with respect to the rights of private Members, unless the Leaders of the Opposition resumed the function which their predecessors had always exercised of protecting and regulating the business introduced by unofficial Members, the House would soon become a mere instrument in the hands of the Government of the day, and all independence of action on the part of private Members in regard to legislation would be lost. He entirely dissented from the total-abstinence principle of the hon. Member for Carlisle (Sir Wilfrid Lawson), who, while professing great discontent, seemed to think that the whole time of the House should be placed at the disposal of Her Majesty's Ministers.

MR. BUTT said, that year after year the House was becoming more and more a mere Registering Chamber for the recording of the measures which the Government of the day proposed. Every year regulations were made restricting the right of free discussion on Motions made and Bills introduced by private Members. He did not think, however, that this Motion ought to pass without one observation. This Session did not begin until the 19th of March, and this Motion was made in the middle of June, and it thus had the same effect as if in an ordinary Session it had been made on the 1st of May. He submitted that private Members could not have expected that it would be made so early. He had, after much balloting, secured a day for the discussion of a subject which was regarded by the people of Ireland as of the utmost possible interest. He hoped that, under the circumstances, the Government would set apart a day for the Motion of which he had given Notice.

SIR COLMAN O'LOGHLEN said, he stood in the same position as other hon. Members who had Motions on the Paper for next Tuesday, and would be one of the first victims of the new rule. His Motion was of a very important character in relation to the conduct of inquiries into Election Petitions, as to which the House ought to know the mind of the Government, but he supposed it would not be

in his power to bring the matter before the House in the present Session. The Motion of the hon. and learned Member for Limerick (Mr. Butt) was one of the highest importance; one in which the feelings of the people of Ireland were deeply interested, and involved a question upon which many hon. Members had been returned to that House. He thought the hon. and learned Member for Limerick ought to appeal to the right hon. Gentleman at the head of the Government to give a Government night for the discussion of this question.

SIR EDWARD WATKIN complained that he would be prevented bringing forward the Workmen's Compensation Bill, which was a measure of great importance. He hoped the Government would give him an opportunity to do so before the end of the Session.

MR. GATHORNE HARDY said, he was very much obliged, on behalf of the Government, for the general assent given to the Motion. He was not surprised that several hon. Members had expressed their disappointment at not being in a position to bring forward Motions of which they had given Notice. It should, however, be borne in mind that at this time of year a Motion similar to that before the House had been almost invariably submitted by the Government of the day. Even when hon. Members had the Tuesdays, it did not at all follow that they would be able to bring their Motions on, especially if, like the Bill of the hon. Member for Hythe (Sir Edward Watkin), they were far down in the list. If the House did not wish to have any materially lengthened Session, they would take one of the best means of attaining their ends by giving the Government the Tuesdays. Without giving any absolute pledge on the subject, he thought that if they obtained the Tuesdays they ought to be entirely devoted to Government Business.

In reply to Sir RAINALD KNIGHTLEY,

MR. GATHORNE HARDY said, he considered that his right hon. Friend at the head of the Government had given an undertaking that there should be a day given for the discussion of affairs at the Gold Coast.

MR. J. MARTIN, as a Member of the House who had brought forward no Motion, who had introduced no Bill, and who had not troubled the House with any speeches this Session, thought he

might fairly claim that no arrangements should be made which would destroy all chance of a debate upon the only question for which he came there. He was one of a majority of Irish Representatives of about 60 Members, who had been sent there respectfully, but firmly, to tell the House that the people of Ireland would not be content without the restoration of their own Parliament. Several of his Home Rule Colleagues—as he understood, in courteous deference to the wishes of certain Members on both sides of the House who clung to the belief that the House was capable of passing laws which might satisfy the Irish people—had brought in Bills or made Motions; yet not one of them had the least idea that it would be possible for the House to legislate in accordance with the wishes and interests of the people of Ireland. At length, after three adjournments, the hon. and learned Member for Limerick (Mr. Butt) had obtained a day for his Motion, and it stood first on the Paper for Tuesday, the 30th instant. That day ought still to be allowed to him, in order that Irish Home Rule Members might respectfully explain to the House the reasons why their country was not content, never had been content, and never would be content without the restoration of the Irish Parliament. [*Laughter.*] Hon. Members might laugh; but it was well known to every hon. Member who cared to inform himself of the fact, that he expressed simply and truly the feelings and determined resolution of the vast majority of the people of Ireland.

MR. RITCHIE said, he thought that, after what had just been said, the hon. and learned Member for Limerick (Mr. Butt) might dispense with his Motion. The Irish Members of the House had no reason to complain of not being heard during the present Session; and he thought that if time had not been taken up with Motions which could not have been expected to have any good result, there would have been no necessity for this Motion.

MR. MITCHELL HENRY said, he hoped that although the Prime Minister was not present, the right hon. Gentleman who had the management of the Government Business would give them some assurance that an evening or two would be given for this important debate. He spoke not so much on behalf of Irish

Members as in the interest of the House of Commons and the country. There was no subject on which greater curiosity prevailed than on this; and people were anxious to know what it was that had all at once converted Irish Members into a compact body, and brought them there able to take an effective part in the legislation for Ireland. On this subject, above all others, the Government should desire having full explanations given to the House; and therefore he should be sorry if this Motion was passed without a promise having been given by the Secretary of State for War that he would bring the matter under the consideration of the right hon. Gentleman at the head of the Government, and request his favourable consideration of the appeal. He would not reply to the observations of the hon. Member opposite (Mr. Ritchie), who had been such a very long time a Member of the House, having been elected three months ago, that he considered himself entitled to advise and lecture Irish Members as to the course they should pursue, but he would only add that it was as much for the interest of England as of Ireland that the question of Home Rule should be thoroughly argued out.

MR. W. E. FORSTER said, he hoped this discussion would not be carried further. He could not suppose that the Government would not feel that it was desirable that there should be no arrangement made on their part which would prevent this question from being discussed by Parliament during the present Session. While, of course he would hear what was to be said, there were few Members who would approach the discussion with a greater conviction than he entertained that it was not advisable to make the change which was to be proposed. At the same time, he could not be blind to the fact that a contrary opinion was held by very many of their fellow-subjects in Ireland, and by many Irish Representatives; and it appeared to him that it would not be for the honour of Parliament or the advantage of our relations with Ireland, or even to the advantage of real union with Ireland, that the Imperial Parliament should not have an opportunity of discussing this question.

MR. SULLIVAN asserted that there had not been a measure of importance passed since the Reform Act of 1832

which had not originated with a private Member, and he therefore protested against further restricting the time devoted to private Members. He did not complain of any want of a fair hearing in that Assembly to Irish matters in his time, although he thought the Parliamentary machine was very unequal to the strain which was put upon it. The Irish Representatives had been anxious to show that they appreciated the reception which the House so far had given to the claims of their country; but if the Motion of the hon. and learned Member for Limerick was to be got rid of by a side-wind, the fact would be viewed in Ireland in no friendly spirit, for that was the question of questions on which 60 Members had been sent from Ireland to Parliament.

THE CHANCELLOR OF THE EXCHEQUER said, it was the practice of the House at an advanced period of the Session to consider in what way its time could best be economized; and the Motion of the Prime Minister, who was, unfortunately, now absent from indisposition, was one which, in substance, was usually made about that date. His right hon. Friend had thought it would probably be more convenient for the House, instead of taking Morning Sittings at present on Tuesdays—to give Tuesday evenings for Orders of the Day and Government business; but if there was any general feeling that another course would be more convenient, he was sure his right hon. Friend would be quite ready to reconsider the matter. He need hardly add that there was no intention whatever, in making the present proposal, to shunt or get rid of a side-wind of Motions which hon. Members deemed of importance. As to the Motion fixed for the 30th of June, which had been referred to, there was plenty of time before them to see what the course of business was; and he was sure that when his right hon. Friend at the head of the Government was able to consider the matter, he would be prepared to make some proposal with regard to that question.

SIR JOHN GRAY said, he thought, after the observations which had fallen from the Chancellor of the Exchequer, they might fairly expect the Tuesday for which the consideration of the question of Home Rule had been set down would be exempted from the rule about to be

applied. Such a course would, he thought, give great satisfaction to Irish Members.

MR. DODSON reminded the Government that there was another mode introduced last Session of expediting their Business besides taking the Tuesdays or having Morning Sittings—namely, that the Government should have Monday evenings for Supply, uninterrupted by Motions upon going into Supply. He thought this might meet the difficulty, because, considering the time the House had met this year, it could not now be considered an advanced period of the Session.

Motion agreed to.

Resolved, That upon Tuesday next, and upon every succeeding Tuesday during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having the priority.—(*Mr. Disraeli.*)

FACTORIES (HEALTH OF WOMEN, &c.) BILL.—[BILL 115.]

(*Mr. Assheton Cross, Sir Henry Selwyn-Ibbetson, Viscount Sandon.*)

SECOND READING.

Order for Second Reading read.

MR. ASSHETON CROSS, in moving that the Bill be now read a second time, said, he should not go much into details as regarded the principle on which the measure had been framed. He had recently made a statement which, so far as he had been able to ascertain, had been received with favour by both sides of the House. The Bill affected a great number of employers and employed, and must therefore be dealt with with great care and caution. Whilst the men had gained something by having their hours of labour reduced, he hoped that they would never forget that their interests were bound up with those of their employers, and that if the latter suffered, that suffering would also fall upon the employed. He believed both sides were fully sensible of this fact. He found that the measure had been most seriously considered both by the employers and employed, and that something like an understanding had been come to as to what would be best for the interests of both. The settlement of this question must be based upon some sound and intelligible principle, and as the Factory Law had been so treated from the be-

ginning, so it should be now, in order that any amendment they might make would be a continuing development of the principle they had already adopted. It was upon that footing that this Bill was based, and it was drawn up after full consideration of the condition of those who laboured in the particular works affected by the Bill. It proposed that the number of hours which children and young persons and women should be allowed to work should be 56½ a week; that they should in their particular factories work 56 hours, the remaining half-hour to be employed in cleaning at the end of the week. The Bill was not framed in any way to limit the hours during which persons might work either at the commencement or at the end of the day. The ordinary work of 12 hours a day might begin at six in the morning and end at six in the evening, or, if more convenient to either the employer or the employed, they might begin at seven and end at seven, provided that ample notice was given of such change in the working hours. Out of those 12 hours, two were to be set aside for refreshment and recreation, but the clause on that subject was drawn so as to give as much elasticity as possible. It had been supposed that, under the clause, an hour must in all cases be given for breakfast and an hour for dinner, and it was thought by some that an hour was too long for breakfast. That was not, however, the real meaning of the clause. Under its terms it would be competent for the employer to commence working at half-past six in the morning, then to give half-an-hour for breakfast, an hour for dinner, and then at six in the evening the employer would have had their 10 hours' work. Again, the employer might take another course. He might begin at six, give half-an-hour for breakfast, an hour for dinner, and then at half-past five the day's work would be completed. In that way the varying convenience of the employers and the employed would be met from one end of the country to the other. A great safeguard for the health of women and young persons which the Bill provided was that they should not be employed longer than four and a half hours without a meal. This would be a great relief to those who were compelled to use the same mechanical operation of the hands and feet which was so wearying, and from which they required relaxa-

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ion. They could not be without a meal or more than four and a half hours at one time, nor could they work more than 10 hours for the first five days of the week, nor more than six hours on Saturday. The total quantity of work which the employer would get would be 56 hours. There remained the question whether the persons so employed were to go through the process of cleaning during their working hours, or whether the employer should be allowed to stipulate for half an hour's cleaning at the end of the week. The latter was an arrangement which all the employers were willing to accept, and which he had put into the Bill. He now passed to the case of the children and half-timers. There were two modes in which the half-timers might be employed—either every alternate day—namely, three days a week for the full time that the others worked, or, in all, the half of 56 hours, or they might be employed in alternate shifts on the same day, some in the morning and others in the afternoon. One shift was, however, always a longer time at work than the other, and it would be necessary to put the children into alternate shifts in order to equalize the number of hours. They had given the greatest elasticity, so that there would be no difficulty between employers and employed upon this point. He would not detain the House by going into the details of the various clauses, but he must make a short explanation of the operation of Clause 8. That clause strictly prohibited any employment in the factory during meal times. It had been proposed that the persons employed should not be allowed to remain during meal times in the same room in which they worked. That, however, would be a hardship. Numbers had nowhere else to go to, and many of them liked to sit and talk during meals until work time came round again. The clause followed the existing law, and only prevented the hands from remaining in the room while the machinery was being turned. The engine must stop, or there would be no certainty that the work might not go on during meal hours. It was necessary to allow the recovery of lost time in the case of water-power, although there were not many persons who used water-power, and many of them would be glad to give up the practice of making up for lost time. The next point was as to the edu-

cation of the children, and the Bill contained clauses which, in his opinion, would be valuable in the working of the Education Act. He thought the House would agree with him as to the necessity of children being allowed education in their youth, so that the country would get the benefit of having educated persons when they grew up. Therefore, he thought the time had come when they might fairly extend the age of children before they could be employed in the manufactories touched by the Bill. It was for that purpose, therefore, that the age had been extended from 13 to 14, unless a child could produce a certificate showing that he had the benefit of a certain kind of education. He had not stated in the Bill the actual Standard the child must pass before being employed, and for this reason—that it would not be wise to fix a Standard if that Standard had to be changed from time to time, according to the views of those in charge of the Education Department, and it would be somewhat different if it was allowed to remain an open question in different localities. The House would not, he thought, do wisely in allowing any change to be made with regard to those engaged in manufactures by which the ordinary run of children should be in danger of being at once turned out of employment. During 1875 the age of the children might be taken at nine years, and afterwards they might safely raise by one year the age at which a child might first go to work. He proposed to fix the 1st of January, 1875, as the day for the Act to come into operation. It was necessary to enact that no children now employed should be turned out into the streets, but that the children should, so to speak, work themselves up to the conditions prescribed. The enactments of the Bill would therefore only apply to future children who might enter these factories. So far as the silk manufactures were concerned, the Government had every wish to meet any difficulty that might arise in that particular manufacture, and he had therefore taken care that the age should be raised so gradually that it would be a long time before the Act would come practically into operation. By the time this Act, so far as the silk children were concerned, came into operation, he believed it would be found that all the children would be

able to pass the Standard of education at the age required. He would not enter further into the details of the measure, but simply state that the provisions related, first, to the hours of work; secondly, to the age at which children should enter employment; and, thirdly, to the age at which they should change from the rank of children to that of young persons. He trusted that the Bill would be found to have the merit of simplicity and also of usefulness. It would be unnecessary for him at present to advert to the question about to be raised by the hon. Member for Hackney (Mr. Fawcett). If it were true, as he believed, that Factory Acts were to be based on sanitary and educational grounds, Parliament would not invade any law of political economy by legislating for women as well as young persons and children who worked in factories. Had not the legislation, he would ask, to which Parliament had already given its assent, done the greatest possible good, not only to the children employed at the time, but to the generations of children who had since been born? He believed that the women who worked in these factories—and anyone who looked at the records of what had taken place in former years would come to the same conclusion—had materially suffered in health by going on year after year and generation after generation working in the factories, and that in the long run if it had not been for the Factory Acts the women and children of this generation would have materially deteriorated. If that were so, how could they distinguish legislation now from legislation then—he meant on principle? It was entirely a question of degree, and that point he was perfectly willing to argue with the hon. Member for Hackney (Mr. Fawcett) or any other hon. Member. But the House had given up the principle of not legislating for this particular class, and he repeated what he had already said, that a great number of these women were not free agents in this matter. They were to a great extent under the moral compulsion to support their families, and under the natural compulsion which was exercised by their husbands to go to work in the factories. He knew it was suggested that the law should be made to apply to married women only, and not to others, because

those others were practically free agents. He did not think, however, that that was a distinction which would commend itself to the majority of Englishmen, and he himself could not imagine a more dangerous distinction to make. Now, as to the extent of the trades to which the Bill should apply, he might state that he had received a great number of communications from those employed as book printers and in paper mills and iron and glass works as to whether they should come under the operation of the Act. The House, however, would see that the Bill as drawn was strictly confined to textile trades and those with which they were intimately connected. Those engaged in the bleaching and dyeing trades, who represented that the proposal for legislation had come upon them suddenly, who were not included in the Bill of the hon. Member for Sheffield (Mr. Mundella), and who asked for a little delay, had, he thought, made out a case for exemption for the present. But nothing would give him greater satisfaction than to be able to place before the House a measure to consolidate the whole of the Factory Acts, which were in such a state of confusion. Although the bleach and dye works were to be exempted from the immediate operation of the Act, he trusted the House would not delay in legislating on the main bulk of the trades included in it. The employers and employed had been expecting legislation on this question, and they were at the present moment able to look at the matter in a calm and liberal way. In fact, he did not think that there was a time when they were on better terms among themselves. He found at the outset that there was a very great divergence of opinion, which had existed for years, between them, with reference to the subject; but in the course of the long discussions he had had with them he had never met with so much fairness of argument as was shown on both sides, or a greater desire to arrive at a fair and sound conclusion. He was happy to say that both parties were now willing to settle the matter on terms equitable to both, just and advantageous to the country, and which would infringe no principles of political economy further than they had already been infringed by the operation of the Factory Acts which had received the assent of the Legislature.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Assheton Cross.*)

MR. FAWCETT, in rising to move, as an Amendment—

"That, in the opinion of this House, it would be inexpedient to pass those portions of the Bill which impose new legislative restrictions on the number of hours during which adults are to be permitted to work."

said, it was evident from the speech of the right hon. Gentleman that he wished the House to believe that the Bill of which he had just moved the second reading was simply a measure designed to improve the health and education of our factory population. Now, if that were its real object, and if such were likely to be its ulterior consequences, it was hardly necessary to observe that no one in that House would be likely to wish to offer to it the slightest opposition. But although the title of the Bill would lead one to suppose that its objects might properly be described as educational and sanitary, he thought he should be able to show that there was a wide divergence between its title and its true scope. Why, he should like to know, were the great textile manufacturers of the country singled out by the right hon. Gentleman as so peculiarly deficient in independence and wanting in capacity to manage their own affairs that they must be taken under the special patronage of a Government whose peculiar mission it was to harass no industry and worry no trade? He knew it would be said that the provisions of the Bill applied to women and not to men. Nothing could be more pacific than the speeches of the Home Secretary and the hon. Member for Sheffield (*Mr. Mundella*) on that point; but although the Bill nominally applied to women only, its real effect would be to place a Parliamentary limit on the length of the day's work, and its general application would be precisely the same, in a great majority of cases, as if in every clause after the word "woman" they had inserted the word "man." To say women should leave a factory at 5 o'clock, and that their labour should be dispensed with for a certain time, while the men should continue at work, was to proceed upon a supposition just as unreasonable as that a steam-engine should go on working without fuel, for the labour of the men and women in our factories was inseparably intertwined. It might

be urged, however, that of which he was speaking would simply be an accidental and collateral consequence of the Bill; but in the innumerable speeches which had been made on the question at the late General Election, was not the question constantly put, he would ask, whether a candidate would vote for a Nine Hours Bill? And unless the House was prepared to stand by the principle that the people of this country should be treated as capable of forming a judgment as to how many hours a day they should work, and not as children, the cry for eight hours or seven hours would be raised at the next General Election—a result which would be due to Departmental meddling and official interference. Of late years the social and industrial condition of the people had greatly changed, and no one could deny the fact that the working classes had shown that they knew very well how to take care of themselves. Before proceeding to deal with the facts which the Home Secretary alleged in justification of this Bill, the House might not unnaturally expect that some reply should be made to by far the most effective argument that would be brought against those who were prepared to contend for the principle that no new legislative restrictions should be imposed upon the number of hours that adults should be permitted to work. It had been said—If they were logical they should be prepared to repeal all existing Factory Acts. The Home Secretary laid great stress on this plea about logic. He seemed to forget that one of the most distinguished Members of his own Government had lately thanked God that in this country they were not governed by logic. But the Home Secretary had far too much practical shrewdness and common sense not to know that it was one thing to repeal Acts of Parliament that had been in operation for many years, and altogether a different thing to give a new sanction to the principles that those Acts might contain. In the first place, many who were now Members of the House were not Members of it when those Acts were passed, and, therefore, were not in any way responsible for them; secondly, the condition of the country and of the people might have materially changed since they were passed. Since that time the working classes had been enfranchised, and they had proved in a hundred hard-

fought industrial contests that they were perfectly competent to protect their own interests; thirdly, some who might not object in principle to those Acts might think that legislative interference had already gone far enough, and that it was neither wise nor expedient to extend it. The Home Secretary must see that, after all, it was not so much a question of logical consistency as it was a question of expediency. The right hon. Gentleman himself thought it would be neither wise nor prudent to support a 54 hours' Bill; why, then, were those who thought it neither wise nor prudent to support a 56½ hours' Bill any more bound than the right hon. Gentleman was by logical consistency to repeal all existing Factory Acts? Whatever might be his (Mr. Fawcett's) own individual opinion, he did not ask those who would vote with him that evening to assert that their predecessors were in error because in past years they had imposed certain legislative restrictions on the labour of adults. The Resolution he was about to move made no reference to the past; it simply affirmed that the time had come when it was inexpedient to sanction any further extension of this system of legislative interference with adults. Some short time ago the Home Secretary said that this Bill ought to be passed because it was recommended by the Factory Inspectors, and because it would settle the agitation upon the question; because the Bill was based upon the Report of the Special Commissioners; because it would be safe, wise, and expedient to limit the hours of labour to 56½ hours per week in trades affected by the Bill; and because interference on behalf of women would be justifiable, because they really were not free agents. No doubt Mr. Baker, a Factory Inspector, had said that a Bill limiting the hours of labour to 56½ would stop agitation; but he desired to show how the statement had been received by the working men themselves. One of the leading men in this movement was Mr. Middleton, who was Chairman of the Nine Hours Factory Association in Dundee. Mr. Middleton's reply to Mr. Baker was—"Oh, Mr. Baker, how very little you know of the subject on which you write! How can you suppose that 56½ hours will satisfy us, when our brethren have 51 hours and our fellows in the colonies have 48 hours?" But that was not all;

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Mr. Middleton asserted that Mr. Baker had no authority whatever for stating that 56½ hours would satisfy them, and he went on to say that when the proposal was made to Mr. Mundella the offer was treated by him with contempt, and that he would be content with nothing short of 54 hours. And they would probably hear his hon. Friend the Member for Sheffield, in the course of the evening, denouncing the small concession contained in the present measure, and if it were accepted at all, it would be accepted as an instalment, and not as a settlement. How was it possible by such means to stop agitation, in the face of the great labour movements going on throughout the world? Each concession made to the demands for legislative interference only added new strength to the movement, and gave additional encouragement to further demands. What were the great labour movements going on in the United States at this moment? Why, in America there was no social or economical question which excited so much interest as the Eight Hours Bill. It was only a little while since that 5,000 workmen at Chicago demanded from the municipal authorities that the day's work should consist of eight hours, and that remunerative work at that rate should be found for all who desired to labour. Instead of dealing with the matter boldly, the municipal authorities did much as the Home Secretary had done—they promised to take the subject into their most serious consideration. In fact, it was this paltering with error, and this failure to make a determined stand against such demands, which formed a source of considerable danger. They might depend upon it that it was a great mistake to suppose that this Bill would put a stop to agitation. If they once encouraged the principle that the length of the day's work was to be regulated by the House, they would be adopting a course which would be disastrous to the future of the industry of this country, and be destructive of the best qualities which had characterized a self-reliant and independent race. Again, the Home Secretary urged that this Bill was justified by the Report of the Commissioners; but out of 163 medical men examined by that Commission, 131 stated distinctly that the hours during which the women were employed were not too long. More than that, 173 were asked if there

anything specially injurious in the air which they engaged in; of these 99 was a distinct negative, and 52 of the ainder pointed out sanitary and defects, such as want of proper ventilation, which as seriously affected men as they did the women, and which were not touched by this Bill. was not going to bring forward a complaint against the Report which had been presented; but he put it in the candour of the House whether the of the Home Secretary had not been broken down so far as the medical testimony was concerned. The Commissioners themselves made an admission which threw an instructive light on the medical testimony, for they said that three-fourths of the women employed in textile manufactories were aged in those branches of the work which were not prejudicial to health. It

all very well for Lord Shaftesbury to go with a deputation to the Home Secretary and state that he knew some manufacturer who preferred to employ married women because he could oppress them. This was a serious charge to make; but the noble Lord seemed always to have some anonymous bogey or invulged monster at hand wherewith to terrify and alarm the timid and the undisciplined. The hon. Member for Sheffield, again, did not intend his Nine Hours Bill to apply to the borough which he represented, although the mortality in 15 of the principal towns relying on textile manufactures was from 15 to 20 per cent less than in Sheffield. As an illustration of the sensational and fallacious statistics used when posing questions such as this, he might say that, although only 7 per cent of the population of Manchester were employed in the textile factories, the city was 24 per cent more unhealthy than such purely textile towns as Oldham, Blackburn, and Preston. Further, as a fact that Manchester was always used when estimating the average mortality in the textile districts. The same he had mentioned with regard to Manchester showed that there were factories far more efficient in producing a lower death-rate than anything connected with employment in factories. Almost the whole number of operatives employed by Mr. Hugh Mason, an extensive manufacturer of textile fabrics, lived in properly-constructed cottages

which he had caused to be built for them, and the result was a lower death-rate among these people than was to be found in the healthiest rural districts in England. What, then, was the remedy which ought to be proposed? Clearly, one of the first things to be done was to amend the sanitary arrangements of the factories, for it was clear that the passing of a 56 hours Bill would neither empty nor purify cesspools. He should not think either of opposing the educational clauses of the Bill, although on this question he wished to see a much more comprehensive measure passed than the present one, which fixed different ages at which children might commence work in manufactures carried on side by side, although young persons might be employed with equal advantage and no less risk in either. It might, perhaps, be said that the opponents of this Bill were cold-blooded political economists, caring nothing for the lives of those by whom wealth was produced; but he would only say, with regard to questions like the present, that the more the people relied upon State intervention the less would their prosperity be promoted, while the more they were taught to depend upon their own efforts the more certainly would their prosperity be secured. He had no interest in any of the trades affected by this Bill; but when it was said that manufacturers were hard-hearted he felt it to be his duty to say he could point out many throughout the Kingdom known for their care and generous efforts on behalf of the people. It had been advanced by the Home Secretary that the state of our English industry was such that it was safe, wise, and prudent to reduce in textile factories the week's work to 56½ hours; but he (Mr. Fawcett) protested with earnestness that it was altogether beyond the province of that House to decide what should be the length of a day's work in any particular branch of industry, because it depended upon a great variety of complicated details, which could only be determined by the employer and the employed. The nine hours movement had succeeded because it was based upon this principle, and resulted from the spontaneous action of the workmen and their masters. Further, in every single instance in which the employed had insisted upon the nine hours movement, they had

taken the most ample precautions to provide for overtime. This Bill made no provision whatever for overtime. He expected to find from the Home Secretary's speech that the right hon. Gentleman based his opinion in favour of reducing the week's work to 56½ hours upon the opinions of business men, but he found that he rested his proposal solely on the Reports of the Factory Inspectors. The opinions of the Inspectors, who were very excellent persons, were exceedingly valuable as to the sanitary condition of a factory or the educational condition of the persons employed in it; but what qualification had they for deciding how long a Yorkshire or Lancashire manufacturer should continue his week's work? He (Mr. Fawcett) protested against the idea of making these gentlemen the arbiters of the question. If he had been charged with legislation upon this subject he would not have consulted the Factory Inspectors, but the manufacturers and the men of business in that House, who could speak with a practical knowledge and a life-long experience. In the case of Ireland there was a considerable difference between the circumstances of industries in that country and in this. The flax manufacturers of Ireland declared that it was inexpedient to impose the same legislative limit upon the two countries, and they showed that if the productive power of their machinery was decreased 6 per cent, as it would be by this Bill, they would no longer be able to compete with foreign countries, employment would decline, and consequently there would be a decrease of wages and thousands would be thrown out of work. The great objection he had to this Bill was that it touched all industries alike, whether they were active or dull. In some branches the condition of prosperity was such that the provisions of the Bill could be carried out without risk being incurred in any direction; but, taking a wider view, would it not be just and expedient to place confidence in the two parties interested, the employer and the employed, to reduce the hours of labour whenever the state of trade enabled them to do so? Considering the intelligence, the independence, and the social power of the working classes, were they not, he asked, better judges than the House could possibly be as to what the length

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of their week's work should be and when the hours of their labour could with safety and propriety be reduced? Many of the industries affected by this Bill were in a very critical position. The hon. Member for Halifax (Mr. Crossley), who was a high authority upon this matter, stated that the industries of the West Riding, were in a critical position, and that wool could now be taken from Bradford, manufactured abroad, re-imported, and sold for 3d. or 4d. per pound cheaper than if it had been made in the neighbourhood of Bradford. In that town there were consequently 20,000 looms idle. The 6,000 men whom the hon. Member employed did not want this legislation; but they were only too thankful to be employed full time when so many others were working only half time. It was a noteworthy fact that no responsible Minister had ever sought to place restrictions upon the employment of married women. He admitted that married women were better at home with their children than they could be working in factories; but ought not the decision of that point in each particular case to be left to the good sense and increasing intelligence of the people themselves? One Factory Inspector had proposed that all married women should be treated as half-timers; but the fact only illustrated the foolish things which very sensible men proposed when they gave way to the mania of legislative meddling. If that proposal were carried out they would see many unmarried women who had children working as full-timers, whilst many married women who had no children would be reduced to the position of half-timers. If the hours of labour were reduced by three and a half hours a week, the productive out-turn of the machinery would be diminished by 5 per cent, unless greater speed were resorted to. The latter was not probable, because it was safe to assume that if greater speed were advantageous it would have been already adopted, and Mr. Robinson, a medical man of Dukinfield, had warned the workers not to exchange less speed and long hours for greater speed and fewer hours. The deputation, moreover, which waited on the Prime Minister at Glasgow last autumn represented that their condition was worse than before the Factory Acts were passed, on account of the greater number of spin-

dles to be attended to and the much greater speed. The workmen had apparently been persuaded by the hon. Member for Manchester (Mr. Callender) that they would receive the same wages for less work; but if Parliament could effect this they would soon demand the same wages for 54 or 50 hours' work. It was absurd to suppose that legislation could control the immutable laws regulating wages. If, however, wages were not reduced, the loss would fall either on the employer or the consumer, and in the latter case it would be tantamount to a tax on the general body of consumers, including the workmen themselves. In these days of competition price was regulated by the cost of production in foreign countries sending goods to us, as well as by the cost in England, and an increase of 6 per cent in price would lessen the demand for our goods in the foreign market, but increase the import of foreign goods into our own, a heavy blow at English trade resulting in the decline of profits and the diminution of wages. An increasing tendency to invest capital abroad was commented on in commercial papers; energetic manufacturers like the hon. Member for Sheffield (Mr. Mundella) establishing manufacturing concerns on the Continent, where adult labour was unrestricted. In Germany and Switzerland, where the condition of the factory population was confessedly satisfactory, restrictions were imposed only on the labour of children. If by legislation impediments were placed in the way of any industry, the relative advantage of investing capital abroad would be increased, and the magnitude of the sum of English capital which went to the other countries of the world, being taken away from our own industries, would be enhanced. They might depend upon it that it was not so much the employer as the employed who would inevitably suffer. He was as anxious as any one could be to see the hours of labour reduced; but the best way of doing it was not by legislation, but by leaving the question to the people themselves. There was this significant fact—that in those trades which were affected by this Bill the hours of labour were 10 per day; in the workshops which had been legislated for they were still longer; whilst in hundreds of trades where the working classes had taken the subject into their

own hands they were working a much shorter time. The Home Secretary justified this legislation on the ground that women were not free agents; but if in Lancashire and Yorkshire they were not free agents, then in Dorsetshire, Cambridgeshire, and Suffolk they could not be; and the logical result would be a Bill regulating agricultural labour, especially as women were more likely to be "bedraggled in mud and wet up to their middles" when weeding a turnip-field than when working in a well-ventilated factory. Again, how could the women in London houses and shops be free agents either? Parliament would have to say at what hour domestic servants should retire to rest. Only last week the Home Secretary enabled barmaids, who were not free agents, to be employed three and a half hours per week longer, and now, in his enthusiasm for logic, he wished to reduce the hours of labour of women in manufactories by exactly the same amount. This question suggested an important inquiry—namely, why women were not free agents, and he found the answer in the answer of the Home Secretary. It told that there was something infinitely worse than work, and that was want. Those who took the course which he was advocating were sometimes told that they were pursuing an unpopular course and would be punished at the polling booths; but when the Home Secretary told the people of the manufacturing districts that employers were so avaricious and men were so selfish as to force their wives, sisters, and daughters to work against their will, the plea that they were not free agents would be hurled back with contempt and indignation, unless the people of Lancashire, Yorkshire, and Glasgow were deprived of every feeling of self-respect. He would now, in conclusion, appeal to hon. Members who might agree with him in principle not to hesitate to express their convictions, because their motives might be misunderstood. The Governor of California lately, in considering a Bill on a similar subject said—

"Hard work and underpay are the evils of our imperfect legislation; but I veto this Bill because I think these evils will not be cured, but intensified, by legislation. Blessed indeed would be the law if it could cure them, but it cannot."

He and others were not anxious for

overwork or under pay; but they cherished the principle of self-reliance and independence, which was the only sure basis of national well-being.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it would be inexpedient to pass those portions of the Bill which impose new legislative restrictions on the number of hours during which adults are to be permitted to work,"—(*Mr. Fawcett*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. E. STANHOPE: Although, Sir, I am not specially connected with the factory districts, yet having taken a great interest for some time in the success of our factory legislation, which, I believe, to reflect great credit upon this country, I venture to ask the House—even at this hour—to permit me to offer a few observations upon this Bill. The hon. Member for Hackney (*Mr. Fawcett*) has put before the House a Resolution in somewhat general terms; but his speech has made it quite clear that he limits his opposition to this Bill to those portions of it which impose restrictions upon the hours of work of women. But, as the main ground of his opposition is that to impose restrictions upon the hours of work of women must necessarily interfere with the labour of men, I venture to point out to him that to impose restrictions upon the hours of work of children must have a precisely similar effect. Indeed, it is upon this very ground that some of the petitioners to this House, as hon. Members will find if they take the trouble to refer to the Petitions, objected to the Bill of the hon. Member for Sheffield (*Mr. Mundella*). I know, Sir, that I may be told that restrictions upon the hours of work of children will not interfere nearly so much with the labour of men as restrictions upon the hours of work of women. But the question which the hon. Member is raising in this House is one of principle, and not of degree; and therefore I say that if the hon. Member carried out his principle to its logical conclusion, he would now be opposing the second reading of this Bill, or, at any rate, those portions of it which relate to the hours of labour. Now, Sir, I differ fundamen-

tally from the hon. Member in regarding this question as not only one of principle, but also as one of degree. We set before ourselves certain great national objects which are likely to be promoted by the passing of the present Bill, and what we have to ask ourselves is, are these objects so essential as to justify any amount of interference? The hon. Member for Hackney says "none," and I suppose that every hon. Member of this House would be disposed to agree with his general principle, which is, that when people can do things for themselves better, or as well as the State can do them for them, it is most unwise for the State to attempt to do them for them. But the practical question for us is—can these poor women do these things for themselves as well as we can do them for them? Let me ask the House, in the first place, to consider if a woman can actually decide for herself whether she will work or not work, or if she is not really under certain influences which prevent her from being placed in the class of free agents. First of all, there is the pressure which was alluded to by my right hon. Friend the Home Secretary the other day. I mean the pressure of the employer, which is often exerted to take women and children also to work. I do not for a moment mean to speak of this pressure in terms of condemnation; because it appears to me very natural that an employer, who has only a limited supply of house accommodation, should wish to draw from that house accommodation as much labour as he possibly can, and what is more, to obtain a class of labour over which he will have more control from employing several members of one family. And again, there is that other form of pressure, which, as every one knows, is very often exerted to the injury of these women, by forcing those out to work who ought not to work, or at times when they certainly ought not to do so. I mean the pressure of the husband. Well, Sir, if this is the case as to working or not working, it is much stronger when we come to the hours during which a woman is to work. Does the hon. Member really suggest that any individual woman is capable of settling this point for herself? Suppose a woman to go to her employer and to say that she found 10 hours' labour injurious to her health, and that she wished to work nine hours; the employer would

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reply—"I have no doubt you are right in thinking so; but I want a woman who can work 10 hours." And therefore it is idle to expect that unless there is to be an extensive system of combination amongst women, that any reduction of hours can be effected by them. I know that we are told of certain towns where women, either by themselves, or assisted by the men, have combined, with success, to reduce the number of hours of work; but that only strengthens my argument in asking for legislation on behalf of the women who have failed in obtaining, and who can never within any reasonable time obtain it. The hon. Member for Hackney has raised the question why legislation should be demanded for factory workers when it was not asked for on behalf of women engaged in other occupations, and he somewhat uncandidly called in question women employed in agriculture in Dorsetshire and Cambridgeshire. I say uncandidly, because nobody knows better than the hon. Member, who has taken great pains to inform himself on these subjects, that the reason that legislation is not demanded on behalf of women employed in agriculture is because there has been an inquiry into the subject by a Royal Commission, and the Commissioners have unanimously reported that there is no case on sanitary grounds for interfering with women in the agricultural districts. Nor would I plead for interference on behalf of the women engaged in manufactures if no case could be made out for doing so. Now, what is the case? I believe that I can, in a very few words, put before the House some conclusions, drawn from the evidence in its possession, which will afford great assistance in legislating on this subject. Well, Sir, there is very strong ground for believing that the strain upon each operative, and especially upon each female operative, has very much increased during the last few years. But whether the strain has actually increased or not, there is an enormous preponderance of opinion amongst all the medical men qualified to speak upon the subject that it has an important influence in producing the high rate of mortality which prevails in the factory districts. And lastly, there is a complete unanimity of opinion, shared even by the employers, that it would be a very good thing if restrictions could be imposed on the labour of married women.

And no doubt the case of the married women is much the strongest. I suppose that we should deal with them on the same principle as in compulsory education, when we compel a parent to send his child to school; we do not leave it to the parent to send it to any school, but we say that it must be an efficient one. And we do this because we believe that the poor parent is unable to form an opinion upon what is a good education and what is not. And so in this case, the women themselves are hardly aware perhaps of the injury that they are inflicting, not upon themselves, but upon their families. What is the result of the prolonged absence of a woman from home at work? It means possible injury to herself; it means pecuniary loss and discomfort, making the house no longer a real home to the husband; it means possible injury to the children left at home; a denial to them of any chance of obtaining domestic training; or of becoming fit, physically or morally, for their future duties in life. I hope that the House will not suppose that I mean that all these things can be set right by the present Bill; but we shall be doing something towards this object. But, Sir, I entirely agree with two hon. Members who spoke the other day, that it is impossible to legislate for married women only. And not only for the reasons which have been given, but also because we should be met with the difficulty that we ought to make a distinction between women that have children and those that have not; and we should run the risk of setting a premium upon not marrying, which there are plenty of unscrupulous men ready to take advantage of. But I think that the grounds which I have mentioned give ample reason for including all women. So long as men are men, and women are women, the lot of the vast majority of women will be to marry, and however much we may permit them to injure their own health if they like, we are bound to look after the generation that is to follow them, and to see that their health is not prejudiced. And I think we can take comfort in reflecting that it is exactly these single women who can best afford to dispense with the earnings of which this legislation may deprive them. Anybody who knows the factory districts is aware that one of the greatest evils which attends the high rate of wages is that females,

before they have ceased to be girls, are able to emancipate themselves from parental control. So that it comes to this—that the married women, who can least afford some loss of earnings, require these restrictions the most; and the single women, about whom as strong a case cannot be made out, can most easily afford it. The hon. Member for Hackney suggests that we are going to throw a number of women out of employment; but the House should remember that the whole tendency of recent legislation with regard to children—aye, the clauses in this very Bill raising the age for their employment from eight to ten—must necessarily create a larger demand for the labour of women. The actual amount of earnings which they might lose cannot possibly exceed 5 per cent, and though I do not want to depreciate the loss of the little comforts which it may entail upon them, yet, looking to the high rate of wages, I cannot think it of very great importance. And if we desire some further comfort in this matter, we shall find it in the remarks of the hon. Member for Manchester (Sir Thomas Bazley), which have been denounced as “socialistic,” when he told us that if we imposed twice as much restriction upon the labour of women and children they would still receive the same wages. And now, if we are to give these women and children an extra half-hour in the day, it is a very important question at what part of the day it shall be given them. After what I have said, I need scarcely express my own opinion that the greatest boon to the operatives themselves would be to give them the half-hour either at the commencement or end of their work, so that they may have more time at home. But I admit that there may be factories in which the work is especially hard, or in which for other reasons it would be desirable to rest from work for an extra half-hour during the day, and therefore on the whole it may be the best plan to follow the provision in this Bill, and leave it to each employer to determine according to the peculiar circumstances of his factory. Having said so much as regards the women, I shall not trouble the House with any remarks upon those portions of the Bill which relate to children, because I believe they command the almost unanimous approval of this House. I venture to offer my thanks to the Home Se-

cretary for having boldly and promptly grappled with this important question. The Bill is in the nature of a compromise, but I hope of a compromise which is made to last. Nothing can be more disastrous than a constant re-opening of this question, because it produces agitation in the country, and is most unfair to the manufacturers; and, therefore, I trust that in voting for this Bill we shall be expressing an intention to settle this question, if possible, for a long time to come. And now, with many thanks to the House for the kindness with which it has heard my remarks, I would earnestly urge it, looking to the important national results which are likely to be promoted by the passing of this Bill, and to the very small pecuniary loss which we are likely to inflict upon those who are brought within its provisions—I would urge the House to disregard a philosophical crotchet which seeks to make all things subservient to its own selfish theories, and to consider the true interests of these poor women, and still more of their children, upon whose moral and physical well-being the future prosperity of this country so much depends. Let us disregard these considerations, as we have disregarded them before, and we shall find that the good results which have followed our past factory legislation will be amplified and extended by our legislation of 1874.

MR. EVELYN ASHLEY, in apologizing for addressing the House after being a Member of it only one week, said, the great body of the employed felt grateful for, and contented with, what the Legislature had done for them hitherto, and the House no longer approached this question in the region of humanity, but was discussing it in the less distressing, though equally important, region of educational and sanitary advancement. No one could fail to admire the well-known abilities of the hon. Member for Hackney (Mr. Fawcett); but in such a matter as this an ounce of experience was worth any number of arguments, and the best testimony to the efficient working of the past Factory Acts was to be found in the fact referred to by the hon. Gentleman, that nothing startling or harrowing was to be found in the medical evidence brought before the Commission. The hon. Member for Hackney said that it was contrary to all true principles to encourage legislative

ference in disputes between employers and employed; but Mr. John Stuart Mill, for whose opinions, notwithstanding, the hon. Gentleman entertained respect, held a different view. In the first of his book on Political Economy Mr. Stuart Mill discussed the question as to what should be the limits of Government interference, and singularly enough he took as an illustration this very question of the limitation of the hours of labour, justifying Government interference with the view not of overruling but of giving effect to the judgment of individuals, by giving to their deliberation the sanction and dignity of law, and enabling them to do what they could not do except by concert. As one of the merits of these legislative enactments that they gave a sanction to deliberate resolves of the workmen, tended to remove the necessity for combinations and strikes. The hon. Member for Hackney had spoken of men combining to form trades' unions; if they could be protected by law against such combinations, there would be no need for resorting to that alternative. He wished to point out to the House that in matters respecting manual labour the wives and daughters of the operative classes were not free agents; there could be no doubt that, generally speaking, liberty of contract with a man meant liberty of coercion. Women were, undoubtedly, goaded on by incentives which men did not and could not feel; and, whether they were married or single, they were affected to an almost similar extent. He had received a letter from a constituent of his—a miller—asking him to vote against the second reading of the present Bill, on the ground that if the leisure of the women was increased, they would not employ the additional time to good account. He should regret it if some of the women operatives took this course; he saw no justification for refusing additional leisure to a majority who would employ it well, because of the pretence of a minority who would waste their time placed at their disposal. A man would work 12 or more hours a day to support the children of a drunken parent, and if she did not do so the children might starve; but did they ever hear of a husband working 12 hours a day to support the children of a drunken parent? No; simply because the charac-

ter of the woman was in this respect entirely different from that of the man. There were cases in which the protection of the law was extended to certain classes of adults who were not considered to be able to take care of themselves. There was an instance of this in the Merchant Shipping Act, which forbade sailors entering into certain kinds of contracts, and Mr. Justice Maule had explained that the law considered persons of that class to be in a state of perpetual pupillage. Those who had watched the working of the Factory Acts, were of opinion that the female operative would for some time to come be in the same sense in a state of perpetual pupillage. Without feeling the slightest anger at the statement of the hon. Member for Hackney, that his (Mr. Ashley's) father raised up anonymous bogies, he would assure the hon. Gentleman that many things were thought to be bogies by statesmen who did not go to the places for which they were legislating, but they ceased to be bogies to the philanthropist who examined for himself. If the hon. Member for Hackney had a little more personal acquaintance with the daily life of the operative class in our great manufacturing towns, he would not have used a word which implied disbelief of the descriptions given of the condition of the working people. It was a curious and interesting fact that during the cotton famine of 1862 and 1863 the mortality among children was considerably lower, notwithstanding the want of food—and, in many cases, starvation—to which they were subjected; and this could only be accounted for by the fact that the mothers, not being engaged in the mills, were able to give more attention to their offspring, the result being that maternal care was more efficacious than good living. This Bill would take away the exemption under which silk mills were now worked. He thought the provision a good one; because, in his opinion, the exemption ought never to have been granted. As to any injury which the silk trade might experience in this respect, he would simply refer to the testimony of Mr. Lister, given before the Bradford Chamber of Commerce last week, in which Mr. Lister, who was one of the largest manufacturers in the world, said that the measure was a wise one, and was a compromise which would settle the ques-

tion for many years to come. In conclusion, he (Mr. Ashley) wished to thank the House for the attention with which they had listened to him. Having carefully read and considered this subject, he had come to the conclusion that the Factory Acts had done an enormous amount of good in the country; and he believed that this measure, if carried, would be of the greatest possible advantage, inasmuch as it would afford the wives and daughters of factory operatives a better opportunity of learning and fulfilling the duties of domestic life.

Mr. BAXTER: I rise, Sir, to give a very cordial and earnest support to the Bill of Her Majesty's Government, believing it to be a measure that is wise, safe, and well considered, which will confer incalculable benefits on the operative class in this country, and which, notwithstanding anything that has been said to-night, I believe will have the effect of settling this vexed question for a long time. I like this Bill because of the elasticity which it gives. It lays down no hard-and-fast line for all parts of the country, but under the Bill, as it at present stands, various arrangements suitable to the wants of the people and of the masters will be able to be carried into effect. I should have been very well contented to have given a silent vote in favour of the second reading of this Bill, but for the very powerful oration of my hon. Friend the Member for Hackney (Mr. Fawcett); and in consequence of the opposition that is gathering up in various quarters to this measure, I desire to say a few words simply from a practical point of view. Now, we all know that there are those—I am happy to say they are fewer in number than formerly—who are theoretically opposed to all legislation of this kind. Surely my hon. Friend the Member for Hackney is one of them; at all events, his speech to-night has been from a theoretical point of view. They tell us that the Legislature has no right to interfere between master and servant. I am free to admit that *prima facie* there is a good deal to be said in favour of that position; but the fact is, that neither that particular point nor the doctrines laid down by my hon. Friend the Member for Hackney to-night, are questions with which we have at present to do. Rightly or wrongly, the Legislature of Great Britain has decided long

ago to interfere not only with the labour of children and young persons, but with the labour of female adults; and therefore I must ask the House to descend for a moment from those lofty regions of political economy in which my hon. Friend finds himself so completely at home, and consider the actual position of affairs. Now, Sir, my hon. Friend, the Member for Hackney, began his speech by stating the objection to the Bill from the women's point of view. He said he had no objection to legislate for children and young persons, but he totally objects to the Legislature interfering with the labour of women; because, he said, the labour of women was so inextricably involved with the labour of men that if you restricted the hours of labour for the former, you were as a necessary consequence restricting them for the latter, and he termed it a covert attempt to restrict the hours of labour for adult men. But the labour of young persons and children in factories, as every manufacturer who is now listening to me knows very well, is just as inextricably involved with the labour of men as that of women with men. Therefore, if there is any force in the argument of my hon. Friend, it is just as cogent against that part of the Bill which he says he is prepared to support as against that part of it which he opposes. But he tells us—and all his school of politics tell us the same thing—that if we indulge in legislation of this kind, the tendency will be to discourage and lessen the demand for the labour of women. My opinion is that it has had, and will have, a diametrically opposite effect. That, too, is the opinion of the female operatives of this country themselves—at least, if we may judge from the Petitions which they have sent to this House. They know very well that the labour of women was not discouraged by the operation of the Ten Hours Bill, and I believe that a vast majority of the working women of this country are in favour of legislation of this kind. I know that in our part of the country—and I think I speak with a good deal more practical knowledge of the factory system than my hon. Friend—the female operatives are unanimously in favour of further restricting the hours of labour. Why, I presented a Petition the other day from the town of Arbroath, one of the burghs I have the honour to

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represent, containing 20,000 inhabitants, which was signed by 2,700 female operatives in favour, not of the Bill of the Government, but of the Nine Hours Bill of my hon. Friend the Member for Sheffield (Mr. Mundella); and I am happy to say that not only are the operatives, male and female, unanimously in favour of that Bill, but nearly all the manufacturers in the burghs I represent are cordially willing to support the Bill of Her Majesty's Government. My right hon. Friend the Member for Bradford (Mr. W. E. Forster) presented to-night a memorial from the Chamber of Commerce of that great manufacturing city, praying that this Bill may be passed into law. My hon. Friend the Member for Hackney has animadverted very much upon sensational speeches. I have never made what might be called a sensational speech in my life. I do not think that this cause is advanced at all by attacks upon manufacturers, or by highly-coloured accounts of the misery and wretchedness of the operatives. For my part, I think the manufacturers of this country, as a rule, are very noble men, who are anxious to do their duty; and I do not think there is anything in the present state of the operatives which would warrant us in thinking otherwise; nor do I think that this House should on any account be guided in a matter of this sort merely upon the opinions of Inspectors. But from my own personal knowledge, I believe that at present in the textile factories the hours are too long. The House knows very well that of late years there have been great improvements in machinery—improvements which have added immensely to the productive power of the country, and which have done a very great deal to compensate for any loss that may have been incurred by the diminishing of hours. But do not let us forget that these very improvements require much greater care and attention on the part of the operatives; and I am satisfied from my personal observation that the strain upon both their mental and their bodily energies at the present moment is much greater than it was 25 years ago. That in itself is to my mind a sufficient reason, not for a jump—not even for such a measure as was passed at the period to which I refer—but for a cautious step in the direction of still further lessening the hours of toil. My hon.

Friend talked so much about caution that one would imagine that this was a Bill going further than that of my hon. Friend the Member for Sheffield. I maintain that if there ever was a cautious measure laid on the Table of this House, it is the measure which we are now discussing. Surely, when we view the result of past legislation, we may derive some encouragement on taking another step in the direction of shortening the hours. I am ashamed to say I am old enough to recollect the dismal forebodings of those Gentlemen who were opposed altogether to the legislation which ended in the passing of the Ten Hours Factory Bill. They told us that foreign competition would ruin our trade; that Great Britain would lose its manufacturing pre-eminence; and that thousands of deluded artisans who were clamouring for shorter hours would be thrown out of employment. Now, my hon. Friend used very much the same sort of argument to-night. I have read all that has been said and written against this Bill, and I find that every one of the old arguments of 25 years ago has been reproduced in almost the same language that was then used. But instead of those dreadful calamities having overtaken this country, what has happened? We have had a series of years of manufacturing prosperity almost unexampled, and wealth has flowed into this country in a manner unparalleled in its history. I see no reason why what happened after the passing of the Ten Hours Bill should not happen again after the passing of the Nine and a-Half Hours Bill. Now, Sir, I myself am a foreign merchant, acquainted with the commerce and manufactures of those countries that are likely to compete with us, and notwithstanding the alarming vaticinations which every now and then are hurled at our heads, I have no fear of trade in this matter whatever. I believe we have the lead, and that we shall keep it, and we shall best do that by reducing the hours of labour for our population, and thus securing the confidence and good feeling of the workpeople. One of the main arguments used against Bills of this sort is that we have already lost from foreign competition part of our trade, and that we are losing it day by day. Well, that I admit at once; but I say that was inevitable in the nature of things. Surely Gentlemen did not ex-

goods for exportation to various parts of the world. We employ only men and lads, and consequently we are under no restrictions. Twenty years ago it was the universal practice—and it is still the practice in many instances—to work 12 hours, and when the trade was good, to work 14 or 15 hours a day for part of the week. Now, I was so convinced that this could not be a good system, that 12 years ago I issued a peremptory order that no man in my employ should, under any pretext whatever, be permitted to work in these premises for more than 10 hours a-day. And what was the consequence? The very first year—and it has continued ever since—we turned out more bales in the 10 hours than ever we had done in 12 or 15 hours. I was a financial gainer by the result, and I am perfectly certain that when we are driven into a state of alarm about these deductions in our hours, we are under a total delusion. I am prepared to accept the Government Bill very much as it stands. There are only two points to which I would invite the attention of the right hon. Gentleman the Secretary of State for the Home Department. In the first place, with regard to the extra half-hour on Saturday for cleaning out the mill, the operatives in every part of the country are very strongly opposed to it, while several masters have said they do not care about it, and I should be glad to see it omitted from the Bill. The other is a minor point. There is a strong desire on the part of the operatives all over Scotland that they should have a full hour for their meal on Saturdays. It is the practice for operatives in Scotland to go home to their meals. With these two small exceptions I am prepared, as I have said, to accept the Bill of the Government; and notwithstanding the powerful speech of the hon. Member for Hackney, I hope the House will have no hesitation in passing it, for I am persuaded that it is a measure which will tend to bind the various classes of the community more to each other, and make this country stronger and happier than it has ever been before.

MR. HERMON said, the hon. Member for Hackney (Mr. Fawcett) had said the Home Secretary had founded this Bill merely upon the Report of the Royal Commission, and without taking the counsel of practical men. But as the

right hon. Gentleman had stated he had heard the opinions of both sides, and of both employers and employed, it was clear that the measure had not been framed in the absence of counsel from practical men. When the hon. Member for Sheffield (Mr. Mundella) introduced his Bill, there was a considerable amount of feeling in the borough he (Mr. Hermon) represented (Preston) in favour of legislation in that direction. This was the Bill which affected an industry that had materially contributed to the national prosperity as well as to the comfort and well-being of the community at large, and as it affected interests both of capital and labour, it required to be treated with greater consideration and calmness than could well be given it by a private Member. He therefore congratulated the Government on having taken this measure into their hands. He should give his unfeigned support to the Bill, and he trusted it would soon become law. The employed, without resorting to threatened strikes or undue agitation, had asked the House in a constitutional manner to grant them what was right on that subject. He was not, however, surprised to find that the Government had felt considerable apprehension in taking up the subject; but still the House should bear in mind that the principle of the Bill was not a new one, and, indeed, it was only proposed to extend the operation of a principle which was itself adopted long ago. There was a very strong opposition to the Sixty Hours Bill; but it might now be safely said that there was no manufacturer who wished to repeal it. He entirely disagreed with the Commissioners when they said that by giving more time in the evening to the operatives, there would be an increase in debauchery. No such effect had followed from the Ten Hours Bill; but, on the contrary, since it passed the operatives had improved their position socially, mentally, and educationally, while it had advanced a most important branch of national industry. The present Bill was desirable because the boon conferred on the operative classes had, to a considerable extent, been done away with, not through the fault either of the employers or the employed, but through the exigencies of both—the former naturally wishing to secure as large a return as they could for their capital and machinery, and the

latter to obtain as much wages as they could for their labour. That which had been prolonged labour was now intensified labour, and the increased speed at which the machinery was driven had nearly deprived the hands of the benefit of the Sixty Hours Bill. He believed this measure would be productive of essential good to the working classes, and having in his early life advocated shorter hours of labour, he would only be consistent in supporting it. Taken, as a whole, the Bill would, in his opinion, be satisfactory to both the employers and the employed, and might safely be adopted by the Legislature. There were two or three points which would require consideration in Committee, and he trusted that the Home Secretary would alter the clause giving half an hour's extra cleaning time, so as to make the Bill a purely 56 hours Bill, and not a Bill of 56½ hours. It was said that if this Bill passed we were likely to lose our ground in the field of foreign competition. Past experience certainly did not warrant any fears of that description, and small manufacturers were, perhaps, better judges on this point than the very large manufacturers, because they were personally acquainted with every detail of their business. Take the exports from Belgium for two or three years previous to the Franco-German War. In 1866 the exports of cotton goods from Belgium were 44,000,000 francs; in 1867, 31,500,000 francs; in 1868, 28,500,000 francs. This was a falling off in three successive years. On the other hand, our exports of cotton yarn goods were, in 1850, 1,000,000,000 yds; in 1860, 2,000,000,000 yards; in 1870, 3,000,000,000 yards; and, in 1872, 3,500,000,000 yards. Yet this considerable increase of our trade occurred under the restrictions of the Sixty Hours Bill. He believed that this Bill had conferred indescribable benefits upon the country, and that now every manufacturer was thankful for it. It was well known in the trade that more bad work accumulated during the last half hour or hour than during the whole of the day. During this time a drowsiness crept over the factory hands, so that they became themselves like machines, and almost all the disputes and unpleasantness that occurred during the day had their source in the present prolonged hours of labour. He believed that this Bill would increase the stamina and the

health of the people, and that it would benefit the country commercially, socially, and politically. For these reasons, he implored the House to pass this measure as speedily as possible.

MR. MACDONALD said, I will trouble the House for a very few minutes, and I ask its indulgence for that period. In the first place, I beg to thank Her Majesty's Government, and particularly the Home Secretary, for having introduced this Bill. I think it is one well calculated to meet the wants of a great body of the people, and set at rest for a very long time any question of future agitation on the subject. The House must have been delighted to listen to the eloquent speech of the hon. Member for Hackney (Mr. Fawcett.) It was in itself a model speech, if it had only been on a right subject. During the course of that speech he stated that the Earl of Shaftesbury had produced one of those anonymous bogies he always had ready to frighten the Home Secretary to take up this question. In no speech that I ever heard have so many bogies been presented as in the speech of the hon. Member himself. What was his first bogey? The first was a description of a scene, not in England, but in Chicago, in the United States of America. He attempted to frighten the House by stating that the workmen appeared before the Magistrates, or Council, or Government of the town, and made certain demands. I happen to know something of the United States of America, and of American workmen. I happen to know very well the State in which is situated the very city to which he refers. When he made his statement he forgot to tell the House the extraordinary circumstances in which these workmen were placed, and the character of the men who were leading them at the time. A great body of working people of Chicago were out of employment. Want was travelling towards or had already taken up its abode in nearly every home. A number of persons had gone amongst the workmen and had circulated opinions which I personally repudiate in the very strongest way. These men not only demanded eight hours a day but demanded bread; and some even went the length of demanding bread without work, and a redistribution of property. We are not to take the conduct of a few men in Chicago as an index of the opi-

visions of American workmen. There is more individualism, more true sense, amongst American workmen than will permit such views to weigh with them. The hon. Member presented another bogey—namely, the limitation of production. That has been already mentioned by hon. Gentlemen who have preceded me, and it is no new one. It is 40 years old and more. It was known in the earliest stage of the advocacy of the short-time movement. It was first attacked by Richard Oastler, and by the noble Earl of whom the hon. Member spoke; and I will venture to affirm that for the good work done by him 40 years ago, and for his continued watchfulness in regard to this matter, both in his place in Parliament and in the country, his name is a household word, and, indeed, is with many a family idol. Another bogey was the loss of independence. The hon. Member for Hackney wanted the House to leave workmen and workwomen to make their own contracts. Now, having passed my life in the ranks of working men, and knowing their views well, I can say there is no wish on the part of adult men that the Government should legislate for them. They have shown, and are showing, that they are perfectly capable of legislating for themselves as to wages and hours of labour, and they only ask that this measure be passed for the protection of those who are not sufficiently independent in themselves—namely, women and children. The next great “scare” is that a limitation of the hours of labour would lead to increase of wages, and the hon. Member implored the House not to pass it on that account. But what does he tell the House before he closes his address? He says he is perfectly agreed with the 10 hours system; nay, more, that he would like to see the nine hours system adopted. While he is willing that the workmen should receive the benefit, he is willing to hand them over to the tender mercies of combinations to establish nine or six hours if they liked. I do not see why that should have the slightest effect upon the House. Another “scare” intended for the working men, was contradictory to the one just alluded to. He said if the hours were reduced the rate of wages would be diminished. I happen to know that the very reverse of this has been the universal rule all over the country. Take

the stonemasons. Their wages, with shorter hours, are nearly doubled. The wages of miners, again, with shorter hours, are greatly increased. But take the factory workers. I appeal to the hon. Member for Montrose (Mr. Baxter) and the hon. Member for Preston (Mr. Hermon) whether, with a limitation of hours, the wages have not increased, and, I have no doubt, will increase. That increase has not in any way led to a loss to this country, for while it has given more comfort to the working men and made their homes happier, it has actually added to the national prosperity. The hon. Member, in order to deter the House from legislating on this question, said the demand would not stop here, but would positively go further. He quoted a statement from a speech delivered by some isolated individual in the town of Dundee. I happen to have met many men connected with the factory agitation, and they desired strongly that the hours should be reduced to 54 for children in factories. I believe that is their lingering desire still; but I feel perfectly satisfied that the House need not be scared from legislating on this question from any fear of the future. One word upon foreign competition. As has been stated, this is an old cry. I venture to say, having watched carefully, and having taken part in some degree with bodies of workmen belonging to other countries, that we have nothing to fear—that the British workman, well cared for—and he is able to care for himself—will be capable of standing against all comers in the industry of the world. I thank the House for its indulgence, and I cordially thank the Home Secretary on behalf of the miners, who are deeply interested in this question, and are anxious to see it settled.

MR. TENNANT desired to thank the right hon. Gentleman not only for the measure which he had brought forward, but for taking upon himself the responsibility of attempting to settle a question of so much importance. He was glad to notice the favourable reception it had met with at the hands of the House—a reception which induced him to believe that it would pass through its various stages without undergoing that wonderful transformation which they had occasionally witnessed. So far as he had been able to learn, the feeling of both

employers and employed was in favour of the Bill. It had been arrived at after many consultations between them, and it was considered by both to be a not unfair compromise. To the operatives it would be a decided boon; whilst amongst the employers of labour, as represented by the Aggregate Association of Employers of Factory Labour, employing between 300,000 and 400,000 hands, there was a general feeling in its favour. The great objection to it was the bugbear of foreign competition; and though he could not take the alarmist view of some hon. Gentlemen upon this point, he nevertheless thought that we were very heavily weighted in comparison with other manufacturing countries. He had, however, great faith in the energy and manufacturing enterprize of this country, and he regarded the Bill before the House as providing for the educational and sanitary requirements of the working classes without exceeding the limits beyond which it was not safe to go. There were many matters of detail which would have to be discussed in Committee; but to two points he wished to call the attention of the House. He thought it rather hard that the textile trades should have been singled out for legislation, and he should hardly have supported the Bill, but for the assurance of the Home Secretary that next year some legislation would be proposed to extend its operation. He trusted that the right hon. Gentleman would also take that opportunity of consolidating into one Act all the various Factory and Workshops Acts, which were now so complicated and confused as to be almost unintelligible. He hoped, also, that the right hon. Gentleman would bring forward some clause for insertion in this Bill to prohibit the employment of women within a certain period after their confinement—a subject upon which the Commissioners appointed by the late Government displayed a remarkable unanimity of opinion. With regard to the Amendment of the hon. Member for Hackney (Mr. Fawcett), there was great difference of opinion as to whether women should be excluded from the operation of the Factory Acts; but, for his own part, he certainly thought it would be unwise to exempt them. There could not be the slightest doubt that it was for the advantage of married women that they should be included within the scope

of this measure; and as it would be a difficult thing to draw a distinction between the married and the unmarried, he would include them all. That, he believed, was the general feeling of the women themselves. He should certainly give his vote against the Amendment of the hon. Member for Hackney, and his best support to the Bill of the Home Secretary, which could be considerably improved in Committee, and which would pave the way for a comprehensive measure, dealing with all trades alike and impartially.

COLONEL MURE said, he had some hesitation in addressing the House after so many hon. Members who had such a concise knowledge of the question before the House. One of the principal questions—the main question, it appeared to him—before the House was, whether the State was justified in interfering with the labour of adult women? Now, he thought there were certain conditions under which the State was justified in doing so, and if these conditions could be proved to exist, then they could support the Bill which the right hon. Gentleman had brought before the House. The conditions he referred to were that if it could be shown that a certain number of adult women employed in the textile fabric manufacture were under subjection, and that that subjection resulted in oppression or abuse, then interference was necessary. He supposed they were justified in taking the Reports of the Inspectors of factories for the last two years, since this question had been brought before the country. Well, according to these, a certain number of women employed in certain textile trades were under subjection. He alluded to those named as “child-bearing women.” It appeared it was the custom in the textile fabric trade, partly owing to women at an early age earning high wages, for them to marry at an early age, and unfortunately it was not easy to trace all the evils which, if these reports were to be believed, arose from that practice. It was the custom, it was stated, for men employed in the textile fabric trade, not as others did, to provide means to support their wives, but very often they looked to their wives to support them. The result of this was very melancholy—that a vast number of them went to work when far advanced in pregnancy, and

returned to their labours soon after their delivery. They placed their children out under the care of inefficient and sometimes cruel nurses, and the result was there was an amount of degradation brought about which was appalling. The system paralyzed maternal feeling, and as an eloquent writer had said, effected the degeneration of the generation which was to come. He did not wish to trouble the House with quotations, but there were two lines which had been written by one of the Inspectors of factories which would give the House some idea of the matter—namely, “I regard the mother’s return to the mill as a sentence of death upon the child.” Was not that a melancholy fact? He assumed that they were justified in accepting the Reports of the Inspectors as material upon which they were to form their opinion upon the matter. Well, he could quote line after line, and, if he had time, page after page, detailing the deplorable condition in which these women and children were placed through the evil system referred to, but he would only quote one line—namely, from a statement made by an eminent surgeon—“Nine-tenths of the evils that arise in the textile trade result from these habits of the women.” He (Colonel Mure) should like to know why it was that the hon. Member for Sheffield and the right hon. Gentleman at the head of the Home Department had not tried at least to introduce some provision in the Bill dealing with this the only evil distinctly spoken of in the Reports. He was inclined to believe the reason was this—that it was thought if the hon. Member for Sheffield and the right hon. Gentleman the Home Secretary had gone to the textile operatives and said—“We are willing to introduce a Bill in Parliament which shall shorten the hours of labour, on condition that we may interfere with your domestic arrangements to meet these evils;” they would have said, “No, we don’t want that; we want a Bill which will shorten the hours of labour for purposes of our own.” Now, when the hon. Gentleman the Member for Sheffield introduced his Bill, it was naturally discussed throughout the country by factory operatives. Well, there was one provision in that Bill, and there was one in that of the right hon. Gentleman, which postponed the hour of commencing

labour from six to seven in the morning. This would no doubt be considerably discussed by the operatives. It would leave the mothers of whom he had spoken another hour with their children; but this was the only provision in the Bill objected to by the operatives in the North. They agreed to all the other provisions of the Bill, but distinctly set their faces against this one. In other parts of the country, also, the only objection to the Bill was in respect of this provision—namely, that the shortening of the hours was to be in the morning, and not, as they wished it, in the evening. But everyone who had studied the question with an impartial mind, and with a real desire to get at the truth of the case, must come to the conclusion that the originators of the present movement were men who were in the textile fabric trade, who looked with jealousy at the remission of the hours of labour in the case of other workmen in the country, and desired that they also, not merely by the weak regulations of trade unions, but by Parliamentary statute, should have a remission of their hours of work. The real originators of this measure were not the women, but those self-acting operatives, as he had said, who looked with jealousy at the leisure that their brethren in other trades had through the trade unions. This House was asked, in fact, to adopt the dictum of trade unions. Well, he complained that this Bill would make the evils of which he had spoken worse. When the hon. Gentleman the Member for Sheffield (Mr. Mundella) introduced his Bill, and set forth that its principal provision was to shorten the hours of labour, he was met by the argument of the hon. Member for Hackney—then the hon. Member for Brighton (Mr. Fawcett)—that in shortening the hours of women’s labour they would, by the results which would follow that, do them an injury. The hon. Member for Sheffield met that argument out of the store of political knowledge which he possessed, by saying if they shortened the hours of women’s labour they would increase the demand for it, and no ultimate evil would accrue to the women. What would the result of the increased demand be, seeing that the right hon. Gentleman ignored these evils mentioned, and did not intend to interfere with

them? More mothers would be employed in the textile trade, and more children would be placed under the protection of cruel nurses, and the death-rate amongst infants would be increased; and what was more important to statesmen, there would be an increase in the number of those who, neglected in their childhood, would grow up with feeble constitutions, and become a burden to themselves and to the State. There was not one line in the Reports to which reference had been made which showed that the women the Bill proposed to relieve, were overworked—not one single line. It was logical, he thought, to agree with the evidence and disagree with the verdict as to subjection and want of free-will amongst the women. There were none who were so free as those employed in the textile fabric trade. They earned high wages at an early age, and because of that they were so free that they felt uncomfortable in the homes of their parents, and had establishments of their own. And more than this, they worked where and when they pleased. If they did not like one factory they could go to another, and they could abstain from work when they liked; but as to their oppression and their labour being too much for them, as the hon. Member for Hackney had said, four to one of the medical men who knew anything about factories declared that the work of the women was not excessive. The factory, no doubt, was far removed from a paradise. There were much more pleasant places, but he maintained that these women were in a good position—far better than their sisters in other phases of life; and he maintained that the State had no right to pick out a certain class of women and say—“We find you in a fair position, and we, the State, will raise you to a higher position.” The paupers—that miserable body of beings, the paupers who hung like an incubus on the State—had been recognized as a class whom the State was justified in legislating for, but not these women. He would show in another way how this legislation would do harm. Independent of the evil habits of the mothers, many of the factories were in a bad sanitary condition. Numbers had been improved of late, but, speaking generally, there was considerable room for improvement. Well, he wanted to know, whether the

small employers of labour would by this measure be encouraged to spend money in the improvement of the sanitary condition of their factories? Would they do this when they found the State nibbling at their capital? And he would ask the House whether, with the knowledge that most men must have that this was the small end of the wedge which might be driven home, these employers, seeing the State candle burning at one end, would be justified in spending capital improvements on their factories, thereby burning the candle at the other end? The Bill would not meet the spirit of the Reports of the Inspectors of Factories, but would tend to increase the number of female operatives, and do a vast amount of harm. The right hon. Gentleman had once said that Lancashire and Yorkshire were crawling with cripples, and that the State was justified in legislating; and now, because these counties were not crawling with cripples, he said they ought to legislate again. That was not a very logical position. They were all agreed on one point, he thought—that it would be more satisfactory if no legislation was necessary. The right hon. Gentleman would say that the employers desired one hour's more work than the labourers. Well, so little under water was the rock upon which they split, that the difference between employer and employed was only 10 minutes a-day. They had had something to do with a Ten Minutes Reform Bill, and now they were to have a Ten Minutes Factory Bill. He called this, not legislation, but arbitration on a point of difference between employer and employed. One word on the question of wages. The hon. Member for Stafford (Mr. Macdonald), he thought, would on the whole agree with him, when he said that restricted production was a means of obtaining higher wages. Now, when he spoke of higher wages, he would have to speak of trade unions. They would remember, in 1867, a Commission sat upon trade unions in order to ascertain the effect which this great combination of labour had upon trade. The Secretary of the Amalgamated Engineers, when asked what effect the restricted hours had upon wages, said the effect was to increase the wages, and that was a very delicate subject to speak upon. There were many men in the House, he knew, and many people out-

side, who looked upon the great combinations of labour with dislike and contempt. He could understand men whose property had suffered feeling a dislike to the system, but he thought that contempt was simply puerile. It would be as fair to form an opinion of the French nation from the terrible effects of the Reign of Terror, or from the deeds of the Commune in 1871, as it was to form an opinion of the combination of labour from the melancholy revelation which was made to the country with reference to it some few years ago. He had no hesitation in saying that it was by degrees laying the foundation for a system of arbitration between employers and employed which would some day prove most beneficial. All the witnesses examined said that shortened hours meant restricted production, and consequent enhanced wages. One witness not only said that restricted hours meant increased wages, but that the men would prefer shorter hours and lower wages than longer hours and increased wages, because it gave them more power over the employers. He believed that that evidence was, in the main, true. He believed that when trade was good, and when wages were high, then the power rested in the hands of the trades' unions, and that when trade was bad and wages were low, then the sceptre fell from the hands of the trades' unions and was eagerly grasped by the employers. If by the power of trades' unions, wages were raised and even trade was crippled; as long as these trades' unions did not break the law, and any hon. Member, or any Member of the Government, brought a Bill into the House which had for its object the curtailing of the power of trades' unions, he would give that measure his strongest opposition; and when he saw a Bill to raise wages and give unnecessary power to those trades' unions, he gave that his most determined opposition.

MR. ASSHETON said, he represented a constituency (Clitheroe) in which factory hands and factory masters abounded, and while the opinion of the former was unanimous in approving of the Bill, the opinion of the latter was divided upon the question. The only ground on which he could support such an interference with freedom of contract was that in the factory districts the population were deteriorating. The

Bill provided against the deterioration of the race arising from the overworking of children and young persons; but he did not think it went far enough as regarded the hours which mothers of families worked. The hon. and gallant Gentleman who spoke last said there was no evidence to show that women were overworked; but surely 10 or 12 hours were too much, and must have a most injurious effect upon mothers of families. It would be very desirable, in his opinion, if they could include as half-timers all women who had children under five years of age. A woman's labour at home in looking after her children and managing her household was worth more than what she could earn in the factory. He hoped that the Home Secretary would kindly turn his attention to that important aspect of the question and see whether he could not embrace it in his proposed legislation. He would give his hearty support to the Bill.

MR. ANDERSON said, that having been connected with factories most of his life, he should support the Bill in spite of the able speech of the hon. Member for Hackney (Mr. Fawcett), and in spite also of the able speech of the hon. and gallant Member for Renfrewshire (Colonel Mure). The leading argument of the hon. Member for Hackney was that though they professed to interfere only with women and children, the necessary result was to interfere with the labour of adult men. That was quite true, but it was only incidental. Moreover, it was only to a small and limited extent; because the number of men employed in textile manufactories was very small, while the number of women and children was very great. Now, it was not possible for them to have any system perfect in this world. All they could hope to do was to adopt that course in which there was the least evil, and it appeared to him that there was less evil in interfering with a small amount of adult men's labour than to allow the overworking of great numbers of women and children. He remembered all the arguments of the hon. Member for Hackney being used a great many years ago at the beginning of the factory legislation, which he (Mr. Anderson) was sorry to say he opposed at the time, because he considered it a gross interference with the principles of political

economy; but after experience of its working for a number of years he had come to the conclusion that the principles of political economy were not always the best that they could follow, and that in some things it was best to make an exception. There were different classes of factory-owners. Some of them were always willing to do their utmost to secure the well-being of their work-people, while others had a disposition to grind them down as much as they could; and the result of factory legislation was to compel the bad factory owner to do what the good factory owner would do readily of his own accord. Where formerly the grinding factory owner was able to place his goods in the market on somewhat more advantageous terms than the other, factory legislation had placed them both on the same level. Their machinery now worked at an immensely increased speed—at double the speed, in fact, at which it had worked before—thus producing a very great strain on the employed. He thought the time had come when they were entitled to move a little further in the direction that had been found so beneficial before. He remembered in 1847 and 1848, when a much more serious reduction of hours was made, in a few years the mills were producing as much in the reduced hours as they had formerly done in the long ones, and he had no doubt this would also follow the present small reduction. There were just two points in the Bill he would like to refer to. One was the exemption of water-power mills. Now, he disapproved of exemptions. He did not think that the owners of water-power mills had a right to recover time more than the owners of steam mills. Nearly all the water-power mills had assistance from steam, or could have it; and, in point of fact, there were not more stoppages from drought than there were from various causes in steam mills, for which the owner was not responsible, and he knew that when he was engaged in factories it was notorious that under this system of power to recover lost time in water-power mills in country districts that were out of sight of the Inspector, a great deal more work was done than was right. Another point was as to the mode in which certificates as to age were at present given in factories; it was wholly unsatisfactory. A surgeon had to certify

that a child had the appearance of not being under 13 years of age. A few months ago a poor child was killed in a pottery at Glasgow. He had been working there for some time, and, in spite of the surgeon's certificate, the boy was actually found to be only 10 years of age. He knew that that happened often, and he thought when they had, at least in Scotland, a universal system of birth registration, and had had it for 16 years, it would be possible to adopt some better system for ascertaining the age of young persons than at present. The hon. Gentleman who spoke last expressed great sympathy with the mothers of children. He (Mr. Anderson) was sure that the House would agree with the hon. Gentleman, and he was sure that the right hon. Gentleman who had charge of the Bill would be most happy if he saw any means of introducing a clause to deal with that great evil. But it was one of those evils that legislation could not reach. He should support the Bill to the utmost of his power.

Mr. STARKEY said, that in addressing the House for the first time he had ventured to speak as having had some practical experience of the working of the Factory Act. During the course of his life he had been associated with all branches of manufacture to which the Factory Act was applicable. There were one or two considerations which had been brought before the House during the evening in a very forcible manner, and in which he concurred. One of these was the effect which the Bill might have on property in the country, and this did not apply solely to owners, but also to occupiers of property. If a Bill was passed by Parliament reducing the working hours in factories from 60 to 56, that would to some extent tend to reduce the value of property. And as regarded machinery, if in consequence of the reduction of hours machinery did not run the full time for which it was intended, that would decrease the productive power of machinery, and limit the profits of those investing money in it. Looking at the subject in a general way, it might be asked whether further restrictions were required from a sanitary point of view, and whether the manufacturers could bear curtailment of the present hours of labour. His remarks would be based chiefly on what he knew

Mr. Anderson

of the woollen trade, with which he was more particularly acquainted, and in that trade he was sure that the working hours were not injurious to the health of young people. Allusion had been made in the course of the debate as to the effect of the agitation on this subject carried on in the manufacturing districts by those interested in the matter during the recent elections throughout the country. He had the honour to represent one of the largest constituencies in the country, and a constituency where there was a great variety of trades and industries, embracing the mining, the iron and steel trades of Sheffield, and which extended to the town of Huddersfield, where textile manufactures were carried on. It was in his opinion a notable fact that although the people in a portion of that district might have been supposed to share in the agitation, they had not exhibited any strong interest in it. They usually showed a wonderful pertinacity in wishing to be informed on the general policy approved of by those desiring to represent them, and they put questions on every conceivable subject. But it was a strange fact that in these districts where textile manufactures were carried on there was a great amount of apathy, if not a total indifference to this question—which was then called the nine hours movement—being then associated with the proposals of the hon. Member for Sheffield (Mr. Mundella). He would not say that his hon. Colleague and himself had not been asked their opinions with regard to that question, but their constituency had been satisfied with qualified answers, which would not have been the case had there been any great agitation. But when they went to the mining districts—to the neighbourhood of Sheffield, where no doubt the people had become persuaded by the arguments of the hon. Member for Sheffield (Mr. Mundella) in reference to the Nine Hours Bill, and where the Factory Acts were not in force—there it was they were asked more particularly as to their opinions on the Factory Acts. This was a significant fact, suggesting that the agitation throughout the country had been commenced through the instrumentality of these large combinations, the trades' unions. He did not stand up to say one word against the trades' unions, or the mode in which they carried on their business. They had shown them-

selves well able to conduct their own affairs, and if their business was carried out in a legitimate manner, they might effect some good between employer and employed. But in a matter of this kind, affecting more especially textile manufacturers, it would have been well if the wants, wishes, and interests had been ascertained, both of employers and employed among the textile manufacturers before the serious step was taken of agitating this question. In the woollen trade there was no strong feeling on this question, but he was not prepared to say that in many other branches of industry touched by this Bill a fair case had not been made out in its favour. He was disposed to take a broader view of the subject than had been expressed by some hon. Members. He would not support the suggestion that there should be several Acts applying to different trades—an Act applicable to the woollen trade, one to the silk trade, and so on. If any one trade seemed thus to obtain an advantage over another it would be but a short time before that trade asked to be placed on the same legal footing. He therefore felt the force of the plea which the Home Secretary had used in asking their favourable consideration for the Bill—that he had taken up the matter in a spirit of compromise. Although he did not agree with all the provisions introduced into the Bill by the Home Secretary, still he looked at it in the light of a compromise, and as being a measure which would, he thought, settle the matter for some time to come, both as regarded the operatives, and also as regarded manufacturers. Though the trade with which he was connected—the woollen trade—might not want the Bill, still, after due consideration, he would give it his qualified approval. On matters of detail on which he might differ from the present provisions of the Bill, he might defer observation till they went into Committee.

MR. WHITWELL, as a manufacturer, felt that the laws by which he was at present governed might be improved, and that a Minister of State was justified in legislating for the health of the people at large. He believed there was occasion for the interference of the House on this subject, for children were admitted to employment in factories at too early an age, and he should also support the measure on the ground con-

tended for by the hon. Member for Leeds (Mr. Tennant), that all factories should be placed on the same footing. He should therefore vote for the second reading of the Bill, although he admitted it would require amendment in Committee.

MR. MUNDELLA said, that a measure introduced by the Government would have a much better chance of passing both Houses of Parliament than one introduced by a private Member, and so far from viewing the Bill introduced by the right hon. Gentleman with contempt, as the hon. Member for Hackney (Mr. Fawcett) had said he did, the difference was so small between that measure and his own that he accepted it with thankfulness and would give it his most cordial and loyal support. Notwithstanding the transcendent ability with which the hon. Member had addressed the House to-night on one side of the question, he had heard the hon. Gentleman speak with, at least, equal ability and greater success on the other side, and possibly in a few years he would say what he had said when sitting on the other side of the House—that it was to the immortal honour of the Conservative party that they had passed the Factory Acts. In the Bill of the Government there were two hours more working than in the Bill which he introduced, and there was also half-an-hour's cleaning. He would oppose the half-hour of cleaning, because it would be better gone, and took away from the grace of the boon. The Government made better arrangements for education than were contained in his Bill. A great deal had been said about adult males. Well, 1,000,000 of persons were employed in those factories, 74 per cent of whom were women and children, and the remaining 26 per cent were not men, but included everyone who minded an engine, every porter, and every lad of 18 in the establishment. Practically, the factories in England were more and more being worked by women and children, and children were being employed every year more and more. We had passed an Education Act of which, on both sides, we were proud, and the hon. Member for Hackney was one of the great advocates for education. That Act was practically a dead letter as long as our Labour Laws remained as they were. He defied any employer to say that it

Mr. Whitwell

was possible for any children to get a decent education while the Factory Acts remained as they were. If school boards were once introduced into the agricultural districts, education there would be better than in the factory towns. The Reports of our School Inspectors said that half-timers were the despair of the schools. The hon. Member said he did not propose to extend the Bill to Sheffield. When personal allusions were to be made it would be only courteous to have personal communication with the individual. But if Sheffield was the most rotten place on the face of the earth that would not justify the rottenness of factory legislation; and if he had taken every shilling of capital that he had abroad that would not justify the state of things at home. But the fact was, more than 19-20ths of the whole of his savings were invested in English industry and would be affected by this Bill, and it was the purest accident in the world that he ever had a shilling invested abroad. That was his answer to the imputation conveyed by the hon. Member's remarks. He maintained that the Bill which the Government had introduced was a noble measure. It was the necessary complement of the Education Act of his right hon. Friend the Member for Bradford (Mr. W. E. Forster). One great advantage of the measure was that it provided for alterations in the standard of education without the necessity of bringing in fresh Bills year by year. The objection of the hon. Member for Hackney to the measure of last year was that it would thrust women out of the factories and leave them no alternative but prostitution or starvation. The hon. Member had not said anything of that kind now, for he had been told better. The absurd project of the equality of the sexes lay at the bottom of his former argument, and that project died with the eminent John Stuart Mill. Then his hon. Friend said the Bill was owing to the jealousy on the part of trades-unionists of female competition. Why, the fact was that the women employed were the wives, the daughters, or the sisters of the very few men who were in the mills. The hon. and gallant Member for Renfrew (Colonel Mure) said that this Bill was the Bill of the trades-unionists. He emphatically denied that statement; employers of labour who were also Mem-

of that House were among the principal originators of the measure, and if there was a partner of the right Gentleman the Member for Bradford (Mr. W. E. Forster). They had not only their time, but money to devote to the movement. They were tired of the overwork of children, of persons, and women, and felt that something must be done. Sixty per cent of the subscriptions for the expenses of the movement came from the women, nearly the whole of the rest from employers of labour. The case of the girls who had passed almost unnoticed in that debate. They were boys and girls who passed from half time to full time at the age of 13, and the hon. Member for Hackney (Mr. Fawcett) that 60 hours was a right amount of labour for these boys and girls. Only hon. Gentlemen had spoken directly against this Bill, and neither of them said anything at all about factories. The hon. Member for Hackney, knew nothing about the internal economy of a cotton mill. He himself worked in one, and he confessed he did not like to do more than 60 hours a week. If the hon. Member for Hackney only performed one month's labour in a cotton mill, he would come back to the House an ardent advocate for reducing the hours of labour. The hon. Member had talked about Lord Shaftesbury in a tone of great disrespect, and of his anonymous "bogies," but knew of no one who possessed so much a stock of bogies as the hon. Member for Hackney himself. What subject he dealt with he was sure to jure up a number of terrors to ten people with; he seemed to have a cabulary of terrors on every occasion he touched. For example, the hon. Member described free education as the first plank of the International, now he spoke of the present movement as being Socialistic in its nature. Socialism reign in Lancashire or in the shire, or did it not rather prevail in those countries where there was no indication of this character? When in 1848, during the Whitsuntide Recess, he conversed on this subject with several eminent members of the French Legislature who had been supporting a Factory Bill on the ground that because of the factory legislation there was less socialism in England than anywhere

else. The hon. Member for Hackney objected that they were going to derange the uniformity of the industries of the country; but he knew that they could only proceed step by step in these matters, and that it was impossible in one Bill to grasp the whole question. The business men to whom the hon. Member referred had all changed their minds within the last few days. Mr. Hugh Mason was a strong advocate of the Bill minus another half-hour taken off it; and the gentlemen who came from the Huddersfield Chamber of Commerce said—"We were sent to curse, and we do not like to bless, but we do not want to oppose the Bill." He (Mr. Mundella) had never met a single factory proprietor who employed women and children who wished to exclude women and children from the operation of the Act. It was nothing but that vague, senseless crotchet of the hon. Member which was at the bottom of all this opposition to the Bill. His hon. Friend the Member for Salisbury (Dr. Lush) had put on the Paper a Notice to the effect that women should not return to the mills until six weeks after their confinement. He should support the proposition. That rule had been adopted in Alsace, and in the following year the death-rate of children fell more than 30 per cent. The hon. Gentleman (Mr. Fawcett) contended that if the working hours were reduced 6 per cent, the outcome would be reduced in the same proportion unless the machinery or its rate of speed were increased. That was, however, an argument which was answered by Mr. Hugh Mason, who, after he had reduced the hours of labour without adding a single revolution to the speed of his motive power, declared that he had not turned out a breadth less in the year after he had made the change as compared with that which preceded it. It was a mistake, therefore, for the hon. Member for Hackney to say that the proposition which he had laid down on the point was as clear as a proposition of *Euclid*. The fact was that there was a certain amount of tension which the human frame could bear and beyond which it could not support, and to maintain that view was not Socialism, but plain common sense and the result of every-day experience. In Austria and Bavaria children and women were not allowed to work at night, while the

latter were prohibited from labour for six weeks after their confinement. Six weeks ago an Act was passed in France prohibiting the employment of women in quarries and mines, which was admitting at all events the principle for which he was contending. Belgium had no legislation on the subject, and the result was that while the women in that country were working in mines the men were drinking in the *cabarets*. A great deal had been made of the bugbear of foreign competition; but the way to meet that was with an intelligent and robust, not a feeble population. Dr. Hübner, of Berlin, had recently made a calculation of the gross total of all the exports of the various nations of the world, from which it appeared that they amounted to £700,000,000, and of these £700,000,000 England exported £250,000,000, while she imported £300,000,000 of the balance. He hoped, therefore, the House would not be led away by theories, however eloquently urged by men who had no practical acquaintance with the subject. Having spoken to his hon. and learned Colleague of the excellent speech which had been made by the hon. Member for Hackney, the reply was that he had heard the same arguments 40 years ago, and indeed *Hansard* was full of them. It appeared, he might add, from a statement of Mr. Newmarch, that we had within the last five years saved £1,500,000,000, and a country which had done that could, he maintained, afford to educate its children and not to overwork its young persons and women.

MR. ASSHETON CROSS said, that in rising to close the debate he really had very little to say, because nearly every objection that had been raised to the Bill had been answered ably, practically, and conclusively by the speeches which had been delivered on both sides of the House. The hon. Member for Hackney (Mr. Fawcett) stated that he only objected to that portion of the Bill which imposed new legislative restrictions on the labour of adults; but if women and young persons were to be taken out of a factory for a certain time, nothing would remain for the men to do, and, therefore, his Resolution in that respect practically fell to the ground. The hon. Member had stated several reasons for objecting to the Bill—that it would lead to a diminution of produce,

a diminution of wages, a rise of price, and foreign competition; but the Blue Books printed in 1866, and written long before that date, answered all these objections. As to the argument which had been used by the hon. and gallant Member for Renfrew (Colonel Mure), that the House ought to rest satisfied with the result of previous legislation on the subject, he could only say that it was one in which he could not for a moment concur. Those who knew what the state of things was in Lancashire and Yorkshire before that legislation was made, and the difference in their position which was now observable, could not feel otherwise than grateful to those by whose exertions the change had been brought about, seeing that it had effected the regeneration of the race. The hon. Member for Hackney, he might add, had found fault with him for having introduced a Bill based on the Report which he held in his hand; but he had done nothing of the kind. The facts stated there were not sufficient to legislate upon, but were sufficient to call the serious attention of the Minister of the day to the subject of which they treated, and to induce him to make the most anxious and careful inquiries, with a view, if possible, to legislation. In that work he had been engaged for some months past, and the result was that, in concert with his Colleagues, he had felt bound to lay the present Bill before the House. He had himself some knowledge of the trade in question, for he had during many years represented one of the largest of the towns in Lancashire that were celebrated for the industry, and he had also had opportunities of witnessing, in the town close to which he was born, the working of the factory legislation. He had had interviews with men from Yorkshire and Lancashire connected with the trade, and though, at first, when they came to consult with him, they held strong opinions against the Bill, yet, after many and lengthened conferences, they one by one changed their views, and, to their honour be it said, came at last to give a cordial assent to the Bill. In defending the measure it was unnecessary for him to go further than the speeches they had heard that evening. Manufacturers from Yorkshire, Lancashire, and other parts had in the course of the debate given unanimous testimony to the fact

Mr. Mundella

that the strain upon women was at present too great. It was the lengthened strain in the same monotonous work that wore them, and it was notorious that their work during the last hour of the day was not to be compared with what they did in the earlier hours, when they were fresh. On this account he had put in a clause requiring that the persons to whom the Bill related should not be employed at the same work for more than four and a half hours continuously, the object being that they might, at all events, have the refreshment of a meal for half-an-hour. He had been accused of having said that women were not free agents in this matter, and he would now repeat that statement. Although the class for whom they were legislating was as independent as any other industrial class in the land, still the actual condition of the mother of a family when the father was working in a factory, and of the children also, was such that as soon as they were able to go to the factory to work they were expected to go. The children might to a certain extent be independent and free; but it was also true that to a certain extent they were under the control of the father, of the employer, and of the habits of the place. With regard to women, however independent they might be, there was that in their character which gave them more endurance under pain, more fortitude under suffering, than men had, and which made them willing to undergo far more than men for the sake of those who were near and dear to them. They would wear themselves down by fatigue, quite reckless of the future consequences to themselves or to their offspring. It was for these reasons that he said they could not deal with women as absolutely free agents. Something had been said about women who had just had children. No doubt, on this point it would be quite out of the question to legislate only for the case of married women. The social evils which would result from such a course would be very serious. It was hard to tell how a knowledge of the fact that the woman had been with child could be brought home to the employer—that was to say, to the person on whom the punishment would fall. He did not say it was impossible; but he should be glad to receive communications from any Members on the subject. He had not been

able to draw a clause to meet the case. [Mr. LYON PLAYFAIR: Registration.] No, that would not do. There were insuperable difficulties in getting Returns of that nature made at the time. It had been suggested that he should undertake the consolidation of the Acts of Parliament with regard to factories. This was a large subject, to which he hoped to give a great deal more attention than he had yet done, and it might be in his power at a future time to propose to the House, at all events, some further legislation which would tend to put Acts which were at present in an almost inextricable confusion into an intelligible form. He hoped the House would read the Bill a second time that night, and that it would be proceeded with in Committee at an early day.

MR. D. DAVIES said, he was not going to say a word against the Bill, for which he was going to vote, although he did not intend to do so when he entered the House. He should not have said a word; but he wished to point out that it was a mistake to say the women were not free agents. The Legislature last year passed the Mines Regulation Act, which provided that women should work some two hours less than the men. He had in one of his mines some 30 or 40 nice girls—intelligent and independent girls—their work was very light, and their pay very good under the old hours, and they were satisfied; but when the new rules came into operation, he asked his manager—"Where are all the girls?" The answer was, that they had gone because they could not get what they wanted. Well, he would have liked to let the girls have what they wanted; but the Act was there to prevent it. What was the consequence? These girls went to the farmers to make butter and cheese. They had to work 17 hours a-day instead of nine, and they were paid 50 per cent less. Some went to the publicans, where their hours were twice as long, and their pay little better, so that the Act of last Session, which was meant for their good, had done nothing but harm to these girls. Might not that be the case also in this instance? The late Government, no doubt, had the best intentions for those girls; but to say they were not free agents was a mistake. He should be sorry for any Member of the late Government who went amongst those 30 or 40 girls—he

would hear what they had to say. He should like to know how this Bill was to be followed up? His own opinion was that the Government ought to have included a clause to shorten the hours of agricultural labour, and had they done that they would have received his support.

MR. MACARTNEY wished to say a few words on behalf of the manufacturers in the North of Ireland. The one staple manufacture in that part of the country was the linen trade, which was at present in an extremely critical condition, and if a measure of this kind passed, it might deal a blow from which the trade of the North of Ireland would never recover. Not only those engaged in manufactures, but also the farmers, who were great producers of flax, would be seriously affected by such legislation. He trusted the Government would take this matter into their consideration, and exclude Ireland from the operation of this Bill.

Question put.

The House divided:—Ayes 295; Noes 79: Majority 216.

Main Question put, and agreed to.

Bill read a second time, and committed for Tuesday 23rd June.

CONSULAR CHAPLAINS.

Select Committee appointed, "to inquire into the circumstances attending the withdrawal of the allowances granted to Consular Chaplains under the provisions of the Act 6 Geo. 4, c. 87."—(Sir Henry Wolff.)

And, on June 2, Committee nominated as follows:—Mr. Bourke, Mr. Onslow, Mr. WILBRAHAM EGERTON, Colonel ALEXANDER, Mr. WILLIAM CARTWRIGHT, Mr. RAMSAY, Mr. ASHLEY, Mr. KINNAIRD, and Sir HENRY WOLFF:—Power to send for persons, papers, and records; Three to be the quorum.

House adjourned at a quarter
after Two o'clock.

HOUSE OF LORDS,

Friday, 12th June, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*
Local Government Board's Provisional Orders Confirmation (No. 5) * (99); Wild Birds Law Amendment * (100); Harbour of Colombo (Loan) * (101); Land Tax Commissioners

Mr. D. Davies

Names * (102); Board of Trade Arbitrations, Inquiries, &c. * (103); Hawing Fishery Barrels * (104); Bar Admission Stamp * (105); Public Health (Scotland) Supplemental * (106); Four Courts Marshalsea (Dublin) * (107); Elementary Education Provisional Order Confirmation (No. 2) * (108).

Second Reading—Local Government Board (Ireland) Provisional Order Confirmation * (76).

Report—Gas and Water Orders Confirmation * (52).

Third Reading—Wenlock Elementary Education * (84), and passed.

NAVY—ADMISSION OF CADETS.

QUESTION.

THE EARL OF CAMPERDOWN rose to ask how many cadets it is proposed to admit into Her Majesty's Navy at the next ensuing examination. The subject of the number of Officers in the Navy was a very important one. When the late Government succeeded to office they determined to take the question into their serious consideration, and during the first year of their term of office they drew up a scheme of Retirement which had already been attended with very satisfactory results. On 1st January, 1870, previous to the passing of that scheme, there were 95 flag officers in the Navy, of whom no fewer than 81 were on half-pay; there were 291 captains, of whom 202 were on half-pay; there were 401 commanders, of whom 240 were on half-pay; and 778 lieutenants, of whom 263 were on half-pay. Bad as that state of things was, matters were growing worse, and everybody agreed that something ought to be done; but, unfortunately, though everybody was of that opinion, when something was proposed, objections to that something were urged from all sides. He had stated what the proportion of officers on half-pay had been just before the new scheme was adopted. He would now state what it was in 1874. In January 1874, number of flag officers, 56—on half-pay, 41; captains, 179—on half-pay, 88; commanders, 212—on half-pay, 61; lieutenants, 663—on half-pay, 184. Those figures spoke for themselves; and whatever might be said with regard to the retirement scheme there could be no doubt that it had done much, and promised to do more, in reducing the Active List and bringing the number of officers into better proportion to the employment that could be offered to them than any other scheme that had been proposed by the Admiralty during

the history of the Navy. He now came to the cadets. As from the nature of things promotion could not be rapid, it had been found necessary during the last few years to offer retirement to officers at almost any price in order to rid the Active List of officers for whom it was impossible to find employment. For 12 years prior to 1869 the average number of entries of cadets each year was 160, and it became necessary to offer to young sub-lieutenants and lieutenants, just coming to the time when they would be most useful, a bribe to quit the service. In 1869 the number of cadets who entered was 89; in 1870 it was 70; in 1871 it was 65; in 1872 it was 77; and in 1873 it was 40. There had been a tendency to over-estimate rather than under-estimate the requirements of the Navy in point of officers. This was the opinion of Sir John Hay, who, speaking on the 10th of June, 1873, said—

“You cannot hope to improve the list of officers if you swamp them by numbers. With 45 entries and by retirement from the lieutenants’ list of 25 or 30 Lieutenants a year you would require no other retirement from the other lists of the Navy.”—[3 *Hansard*, ccvi., 769.]

What we had to guard against was too large, and not too small a number of entries. By way of objection to keeping down the entries, it was said that if we did not take care we might suddenly find ourselves short of officers. He would be the last person to advocate undue reduction, but he contended that it was impossible that we could keep in time of peace an establishment that would be sufficient for a period of war. The noble Earl concluded by asking his Question.

THE EARL OF MALMESBURY said, he should not follow his noble Friend into a discussion of the retirement scheme adopted by the late Government; but he could assure his noble Friend that the Government did not propose to make any alteration in the regulations for retirements laid down by the late Board of Admiralty. What might occur in the future no man could tell, but the Admiralty had fixed on 35 as the number of cadets to be admitted this year—a number which was deemed sufficient to meet the requirements of the Service.

THE DUKE OF SOMERSET said, that the efficiency of the Navy rested upon

the young officers, and if the number of cadets were kept low it would be impossible to have a sufficient number of lieutenants—the Admiralty were able to complete an iron-clad in a very short time, but six years were required before a lieutenant would have attained the experience qualifying him for promotion. We might build ships with ease, but we could not create naval officers. The noble Earl (the Earl of Camperdown) might take credit for economy in cutting down the number of officers of the Navy. It was not difficult to do that; but then it might reduce the Navy to the condition in which it was at the time of the war with China, when we had not young lieutenants enough for the Service, and when we were almost obliged to call upon the mercantile marine for officers. He warned the Government that by keeping down the number of young officers they were doing immense mischief to the naval power of the country. He did not pretend to say what number should be admitted every year—that was a matter for careful calculation; but there should at least be on the list such a number of young officers as would enable us to be prepared in a time of war.

THE EARL OF LAUDERDALE said, he quite concurred with the noble Duke. If the country went to war to-morrow, we should either have to bring back the retired officers or take officers from the merchant service. No real saving could be effected by such reductions as had taken place in the Active List, because the country had not only to pay increased sums for retiring allowances, but had to pay for the increased number of officers required should a war break out.

THE EARL OF CAMPERDOWN reminded the noble Duke and the noble Earl that he had made no reference whatever to the subject of economy. No doubt some saving of money would result from the scheme of retirement drawn up by the late Government, but it was not from the point of economy that he defended the scheme. In 1870 the employment for officers in the Navy was at a minimum and half-pay at a maximum, and it was due to the representations of the officers, who pointed out the hardship and almost professional ruin in which such a state of things involved them, that the scheme was introduced. The object of the

scheme was to provide employment for officers, and the figures he had quoted showed that to a certain extent it had been successful; but, no doubt, up to this time no saving had accrued from its adoption.

SCIENCE AND ART—THE TRANSIT OF VENUS.—QUESTION.

EARL DE LA WARR asked Her Majesty's Government, What arrangements had been made for the observation of the Transit of Venus, as regards the number and places of the stations, and the method of observation to be adopted? and said, as the time was fast approaching when active steps must be taken to organize the expeditions which were to leave this country for those stations which had been selected for observing the important astronomical occurrence of the Transit of Venus, it was, he thought, desirable that their Lordships should know what preparations had been made by Her Majesty's Government to occupy the best stations for taking the observations, and also whether the methods would be adopted which were most suitable to the places which had been selected. It was stated some time ago that only five stations were to be occupied by this country. He believed he was right in saying that the number had since been increased; but he must add that there was a prevalent opinion that this country had declined to occupy stations of importance on the ground that the attempt would be too arduous and difficult—while the Government of the United States had undertaken in the interests of science to do what the British Government supposed to be surrounded with insurmountable difficulties. He could only hope that such was not the case, but that if stations had been abandoned it was for other reasons than that they were difficult of access, or difficult to occupy. He alluded to stations in the Southern Ocean—especially the Crozet Islands and Macdonald's Island. Then, as regarded the methods of observation, he believed it was first proposed to adopt the method of Delisle only, which was concerned with the absolute time of the beginning or ending of the transit; but there was also the method of Halley, which referred to the duration of the transit; and some stations, as their Lordships probably knew, were more suitable

for the one method than the other. As it was in the interests of science that these observations should be carried on in concurrence with other Governments, he would, therefore, ask Her Majesty's Government to lay upon the Table of the House, the Correspondence showing what steps had been taken by Foreign Governments.

THE EARL OF MALMESBURY said, that parties of the Royal Engineers, the Royal Marine Artillery, and the Royal Artillery had already started for various stations, having been previously instructed by the Astronomer Royal, whose instructions had been revised by two other astronomers, who were members of the Royal Society. The parties were five in number. One, which was not to start till October, would go to Egypt; the others would go to Kerguelen Island, New Zealand, Cape de Verd, and the Sandwich Islands. Three men-of-war would meet the parties at the Cape and take them to their destination. He could not answer his noble Friend's astronomical question as to the methods to be adopted; but he assumed that the instructions that had been given had been carefully considered. As to the Correspondence, he must leave that part of the general inquiry to be answered by his noble Friend the Foreign Secretary.

THE EARL OF DERBY said, there was very little Correspondence on the subject—in fact, scarcely any. He found that the Government of the United States had asked that facilities should be afforded to the American expeditions for making observations in the Australian Colonies; and the Government of Germany had been placed by our Government in direct communication with the Astronomer Royal, with the view to the adoption of some common mode of procedure. If his noble Friend thought it worth while to move for the Papers, there would be no objection to their production; but he doubted that they contained any information that made their production desirable.

IRISH PEERAGE.

ADDRESS TO HER MAJESTY.

LORD INCHQUIN rose to call attention to the position of the Scotch and Irish Peerage; and to move—

The Earl of Camperdown

"That an humble Address be presented to Her Majesty praying Her Majesty's consent to a Bill being introduced limiting the Prerogative of the Crown in so far as it relates to the creation of Irish Peerages, as provided by the Act of Union."

The noble Lord said, that, considering how short a time he had had the honour of a seat in their Lordships' House, he should not be considered presumptuous in bringing the subject under their notice. He felt very strongly, and he believed there was a strong feeling entertained that these Peerages were in a most anomalous position—a position which to his mind was not only most unjust but most undesirable. That opinion was held by those Members of the House who were most interested in the question, and not only by Scotch and Irish Peers, but by a large number of persons in Scotland and Ireland; and he might go further and include a large number of persons in England. He might also refer to the voluminous correspondence in the public Press on the subject, to show the general interest taken in this question. He therefore felt himself justified as one of the Representative Peers of Ireland, in bringing the matter before their Lordships, and in endeavouring to get the injustice of which he complained removed. He did not approach this question from party motives—it was not, and could not in any way be regarded as a party question—it had been frequently brought before that House and the other House of Parliament. On the last occasion, the late Prime Minister said he considered it a matter of the utmost importance, but that it was a question which properly belonged to the Upper House to initiate and to consider. He (Lord Inchiquin) agreed with the opinion that as it was a question involving the constitution of their Lordships' House, it ought not to be initiated in the other House, and on that ground he had a fair claim to ask their Lordships to consider the Motion. In the year 1869, the noble Earl on the cross benches (Earl Grey) introduced a Bill on the subject. On the second reading, the noble Duke (the Duke of Richmond) moved an Amendment—

"That a Select Committee be appointed to consider the state of the Representative Peerage of Scotland and Ireland and the laws relating thereto."

That Amendment was carried, and a

Committee was appointed, but the Committee, if it ever met, certainly never made any Report. He, however, understood from some of the Members that it was the universal opinion that so far as the creation of Irish Peerages was concerned, it was desirable that it should cease. In the debate which then took place, the noble and learned Lord on the Woolsack expressed his opinion that it was advisable that rather than take any legislative steps to alter the system, there should be an absorption of the Irish and Scotch Peerages into the Roll of the United Kingdom. That being the opinion of the noble and learned Lord, he was rather disappointed to find that no such scheme of absorption was then brought forward, and that he (Lord Inchiquin) was likely to have so little support in his present Motion, and was not to have the support of the noble and learned Lord. He also regretted to have to state that he had received an intimation that the Scottish Representative Peers, who had been most anxious that this question should be brought forward, did not wish it to be pressed now that they found the Government was opposed to the Motion; but he might say that generally the Peers of Scotland who had no seats in their Lordships' House entirely agreed with him. He, however, wished it to be understood that he was expressing his own opinions only on the Scottish Peerage, and did not claim to speak for those noble Lords. At the time when the noble Earl (Earl Grey) brought in his Bill in 1869, not only the noble Duke, but the noble Marquess the Secretary for India, expressed the opinion that there was not sufficient information before Parliament on the subject to justify legislation. If that was so, then he ventured to submit that it was advisable that the subject should be well ventilated, and the requisite information obtained for the public and for Parliament. He would first proceed to consider the case of Scotland. In 1707, when the Union between Scotland and this country was effected, the number of Scotch Peers, sitting in the Scotch Parliament, was 154, and that of Peers sitting in the English Parliament 166. It would have been unreasonable, and, indeed, quite impossible, to admit all those Scotch Peers to seats in the House of Lords; an arrangement was made, according to the terms of which

Scotland was to be represented in that House by 16 Peers, who were to be chosen at the beginning of each Parliament. That number, which was supposed to have some relation to 45, the number of Scotch Members admitted at the same time to the House of Commons, was objected to by the Scotch Peers as too small, and to this moment they claimed to have it increased. Indeed, it was understood that the number would be indirectly increased by the admission of Scotch Peers into the English Peerage. Indeed, by the Scotch Act of Union, Scotch Peers became Peers of Great Britain, though without seats in the House of Lords. There was an important provision in accordance with which no further Scotch Peerages were created, and although Scotch Peerages usually descended to heirs general, the whole number of 154 which existed at the time of the Union had been by lapse of time reduced to 100. From this they had to deduct 45 as the number held by those who also held Peerages of the United Kingdom, 18 of which were dormant or in dispute, and 3 of which were held by ladies. Those deductions brought down the present number to 34, as compared with the 412 English Peers. When from the 34 they deducted the 16 Representative Peers, there remained 18 Scotch Peers who had no seats in that House. Considering that Scotland had been united to England for so many years, he thought it was only just and right that her representation in the House of Lords should be increased, just as, through the operation of constitutional changes, her representation in the House of Commons had been increased. Now, as to the case of Ireland. With regard to the Irish Peerage, he must remind their Lordships that the legislative union of Ireland with this country was brought about by gross corruption and bribery. He was not the advocate of a disruption of that Union—far from it; on the contrary, he thought the interests of Ireland were closely bound up with those of England, and that the closer the ties between the two countries were drawn the better for Ireland as well as for England. He alluded to that corruption and bribery to show that the Union was not of so sacred a character that it ought not to be improved where defective. In Ireland at the time of the Union there were 233

Irish Peers; the number of English Peers was at that time 261. It was arranged by the Act of Union that the Irish Peerage should be represented in the Imperial Parliament by 32 Peers, of whom 28 were to be temporal Peers, chosen for life, and four were to be spiritual Peers, taken by rotation from the Bench of Bishops. Since the disestablishment of the Irish Church, in 1869, there had been, of course, no spiritual Peers from Ireland, and she was consequently short of the representation secured to her by the Act of Union by four seats. Had Ireland not at least a right to ask that those four vacant seats should be filled up by an equal number of temporal Peers? At the time of the Union, the Government of this country was very anxious that the power of creating Irish Peers should be continued to the Crown. The Irish House of Lords expressed itself so strongly against the proposition that at one time it was thought that the English Government would have to abandon the idea. The Cornwallis Correspondence showed how strong was the feeling of the Irish Peers on the subject, and at present he believed there was no difference of opinion among them on the point. They thought it was undesirable that the power of creating Irish Peerages should be continued. In one respect the Irish Peers were better off than the Scotch Peers; for those Peers of Ireland who were not Representative Peers, though they were unable to sit as Representatives in the House of Commons for any place in Ireland, were able to do so for any place in Scotland or Ireland who might elect them; whereas the Scotch Peers were disabled from sitting for any place either in Scotland, England, or Ireland. He thought that disability of the Irish Peers ought to be removed if the Irish Peerages were continued. From the 185 Irish Peers you had to deduct 80 who were Peers of the United Kingdom, and from the remaining 105, if you deducted the representative Peers, you had 77, who, with the 18 Scotch Peers, were without seats. This gave a total of 91 Peers who were unable to take any part in legislation—who were, in fact, disfranchised. In an article on the subject, published last year, the leading journal described the Irish Peers as neither fish, flesh, nor fowl. Now, was it desirable that this

state of things should be continued? He thought not. There were several ways in which a remedy might be found. They might admit the whole of those 95 Peers to their Lordships' House; they might incorporate the Peerages of Scotland and Ireland with that of the United Kingdom; or they might increase the number of Representative Peers. This was no party question, and it did appear to him that the number of Peers was not so great that a considerable addition might not be made without any injury to the House; nor would it be impossible, if necessary, to add a few benches to those which already existed; the numbers of that House would still fall very far short of those in the other House of Parliament. But it might be said the addition he recommended would disturb the balance of parties in the House. No doubt, the opinions of a large proportion of the Peers of Scotland and Ireland were in unison with that (the Ministerial) side of the House; but, perhaps, the best chance of increasing the Liberal feeling was to admit them to seats in that House. With reference to the plan for absorption, some such plan as this might be adopted—ten Peers of Scotland and an equal number of the Peers of Ireland might be admitted to seats; five Scotch and five Irish Peers might be admitted to permanent seats every Parliament; and the election of Representative Peers should rest entirely with those who had not seats in that House. There was also another mitigation of the difficulty—that the Peers of Scotland and Ireland, during the process of absorption, should have the power of sitting in the other House of Parliament for any constituency in any of the Three Kingdoms which might elect them. A letter, signed "Jurist," which appeared in *The Times* not long ago, deserved attention on that subject. But he was told by the noble Duke the President of the Council that his plan would be an interference with the Prerogative of the Crown. Now, he thought the present power of creating Irish Peers tended to lower the prestige of the order, and he could not conceive how it would be either for the interest of Her Majesty or her Successors to lower the position not only of the Peerage of Ireland, but of the Peerage generally. He was not an advocate for Home Rule, and was totally opposed to any separa-

tion of Ireland from England in any way; he thought the connection between the two countries should be drawn as close as possible; but if Parliament refused to listen to a complaint which, after all, must be admitted to be a fair one—if the Government perpetually declined to take the matter into consideration, they would give the Home Rulers an argument in support of their doctrine which they would not otherwise have. On these grounds, he trusted the Government would find a way of dealing with the subject.

Moved that an humble Address be presented to Her Majesty, praying Her Majesty's consent to a Bill being introduced limiting the prerogative of the Crown in so far as it relates to the creation of Irish Peerages, as provided by the Act of Union.—(*The Lord Inchiquin.*)

THE DUKE OF RICHMOND said, he could not agree with the noble Lord who had brought forward the Motion, that the acceptance or rejection of it had anything whatever to do with the question of Home Rule; and he must say that he regretted that the noble Lord should have imported the Home Rule question into a matter which seemed to his mind to have no connection with it. The noble Lord had in the course of his address made two allusions which he probably would not have made if he had had a seat in the House longer:—the noble Lord was probably not aware that he was somewhat out of Order in alluding in the pointed way that he had done to an article which had appeared in *The Times* newspaper. He (the Duke of Richmond) did not admit that any opinion could be formed or argument founded on articles published anonymously in a public journal. He must also protest against private conversations which had passed between his noble Friend and himself being imported into a speech made in that House—he thought considerable inconvenience would arise if that became a practice. He spoke to the noble Lord on the subject in private with great frankness, and did not know that he had a word to retract from what he had said; but he thought that communications of that kind should be considered privileged:—were it not so, noble Lords on both sides would be much more careful how they exchanged opinions on such subjects. He presumed that it was not necessary for him to go at any length into the various matters

which had been touched upon by his noble Friend. He had no cause to find fault with the advocacy of his noble Friend; but he thought that upon further consideration he would find that the subject was surrounded by a great many difficulties, and that to deal with it in a manner which would give general satisfaction was not an easy matter. Taking everything into consideration, he could not see his way to sanctioning such a Motion as that before the House. The noble Lord must not forget that he was virtually asking Her Majesty to put a material limitation upon Her Prerogative, and to disturb a distinct arrangement come to at the Union of the two countries. As he understood, his noble Friend drew a comparison between the arrangement with regard to their respective Peerages made by the Act of Union, unfavourable with regard to Ireland. His noble Friend must not forget that these arrangements were part and parcel of the condition upon which those Unions were effected, that they were sanctioned and carried out by those who were then in power, and that the differences and anomalies complained of were in accordance with the Articles of the Union between the three countries. His noble Friend should also remember that at the time of the Union with Ireland, the Union with Scotland was an existing arrangement, and that if it had appeared to the Irish Parliament that the latter was a desirable one, it was open to them to follow it. But they took a different course. He did not mean to say that those arrangements had proved as satisfactory as they might be—the great difficulty was how to deal with the matter, and remove what was complained of in a manner that would prove generally satisfactory. His noble Friend had made one statement to which he felt bound to make a protest. That statement was that the Committee on Irish Peerages in 1869 were almost unanimously of opinion that after a certain time the creation of Irish Peerages should cease. He should like to know where the noble Lord got that information. He happened to have been a Member of that Committee, and it was the first time that he had heard of such a thing. As he understood the noble Lord, his object was to pray Her Majesty to consent to the introduction of a Bill to limit the Prerogative of

the Crown so far as it related to Irish Peerages—that was, to limit after the lapse of time the constituent body who elected the Irish Representative Peers to this House, and to improve and extend the system whereby Irish Peers would be enabled to sit in this House. He ventured to think that the number of Peers in the House was already very large. Since 1830 as many as 200 had been added to it, and he did not think it would be advisable to adopt a course which would have a tendency to extend the number. On the whole, he could not see that his noble Friend had made out any case on the strength of which the Crown should be asked to waive its present Prerogative, and he could not therefore support his proposition. But if the Motion were to be agreed to, and if a Bill was to be introduced to limit the Prerogative of the Crown in the manner proposed, and if an absorption of Peers was to follow, the change ought to be proposed on the responsibility of the Government of the day and not on that of a private individual.

THE EARL OF COURTOWN said, he was glad that the subject had been introduced, for he thought that there were few subjects that more needed the attention of Parliament, and he was also glad to hear what had been said by the noble Duke (the Duke of Richmond) because he was of opinion that it was a subject which could only be dealt with by the Government of the day. He did not agree with many of the suggestions that had been made with regard to absorption and other details, but these were matters which might be settled in a Select Committee; but he concurred in the general principle underlying the Motion, which was that the Peerages of Scotland and Ireland should be put on a par with those of England, and that the Representative Peerage should be done away with. The anomaly of Peers not being Members of this House had been spoken of; but there was another anomaly which had not yet been pointed out—that of having elected Peers in a House, the distinctive feature of which was supposed to be its hereditary character. At present the Scotch and Irish representation was elective, and that of England only elective. He thought steps ought to be taken to get rid of the representative element in this House. There could not be any objection to the

18 or 20 Peers of Scotland being absorbed; but 77 additional Irish Peers would be too many for the House to absorb, and things must, therefore, be left as they were until the Irish Peerage should have been gradually reduced, in the absence of new creations, to a number which could be readily absorbed. The Irish House of Peers, at the time of the Union, reluctantly consented to the Crown having the power to create new Peerages; and, as Judge Christian had said, the existence of a separate Irish Peerage fostered the idea of separation from England. From the Cornwallis Correspondence it appeared that the Irish Peerage was defended as affording another step in the class of honours which might sometimes obviate the necessity of creating English Peerages. That looked a pretty theory; but the compromise which was agreed to vitiated it, because there was a Peerage limited to 100 between a Baronetage and Peerage of the United Kingdom both of which were unlimited. Perhaps his noble Friend's object would be sufficiently attained by having called attention to the subject, but he trusted that at no distant date the matter would be taken up by Her Majesty's Government.

LORD DUNSANY said, he thought the time had come for Parliamentary action on this subject. He thought it absurd to keep up an order of Peers which was quite anomalous, which had no *raison d'être*, which was obnoxious to the Irish Peers themselves, and which was of no utility whatever. It seemed to him a most anomalous provision of the Act, that a new Peer of Ireland must be created for every third vacancy—at present and prospectively for every vacancy when the number of Irish Peers was reduced to 100—indeed he was not sure that Her Majesty would not be obliged to create a man a Peer against his will. It might come to pass, as happened with William the Fourth's Knight's of the Guelphic Order, that the new Irish Peers would become objects of pity, or worse still be told that it only "served them right." It must be on some such principle that Irish Peers were created. The noble Duke (the Duke of Richmond) had spoken of the Union of Ireland as a contract; but it was no contract; it was a condition forced on the weaker party. If the Irish Peers could have

exercised an option they would have refused. But even if there had been a contract, that argument might be good as long as the contract was observed; but it had been broken over and over again. It was broken when a great many Irish boroughs were disfranchised—it was broken when the Irish Church was disestablished—it was broken when the four Irish Spiritual Peers were excluded from the House. Therefore, the matter could not be put on the ground of contract. Could it be put on the ground that this particular body fulfilled any useful or practical purpose? Not at all. It might be said that it was a dignity for which particular persons might be anxious. He did not know enough of the *genus homo* to know that there was anyone too good to be a Commoner, and too bad to be a Peer of the Realm, but for whom the Irish Peerage was exactly fit. He hoped there was some better reason for maintaining a condition of things which was exceedingly obnoxious.

EARL GREY said, that whatever other change might be made in the Irish Peerage, at all events no addition ought to be made to the number. He agreed that a satisfactory amalgamation of the Peerages of the Three Kingdoms was very desirable, if it were practicable; but it was not possible. If so, then it was desirable, as far as possible, to approach a better state of things, and to that end the first thing was to suspend the creation of Irish Peers. That the Crown should create one Peer whenever three Peerages became extinct was entirely owing to the desire of the Government of the day not to give up a useful means of influence, and the noble Lord who had just spoken was right when he said that it was entirely contrary to the wish of the Irish Peers. If, then, it was desirable to avoid increasing the number of Irish Peers not having seats in this House, was there any ground for objecting to the present Motion, which was intended to prevent it? It seemed to him a proper and constitutional mode of proceeding. The noble Lord had not asked their Lordships to interfere with the Prerogative of the Crown, but that an Address should be presented to Her Majesty praying that She would consent to the introduction of a Bill by which Parliament should be authorized to make a deduction from that Prerogative.

Having listened very attentively to the speech of the noble Duke (the Duke of Richmond), he must forgive him for saying that it only showed the extreme difficulty his noble Friend had been in to find any ground for asking the House to reject this Motion. His noble Friend must have been very hard pressed for an argument when he had recourse to that utterly exhausted one of a breach of the Act of Union—an argument which, in the case both of Ireland and Scotland, had been answered over and over again; so that he did not think there was a Member of their Lordships' House who would now attach any weight to it. It was said there was a difference between this and 1869, because so many Peers had been added to the House. But that rendered the course recommended by the noble Lord (Lord Inchiquin) more desirable than ever, as this increase made it still more objectionable that new Irish Peerages should be created hereafter.

EARL GRANVILLE regretted that the noble Duke (the Lord President) should have thought it his duty to make so curt and unsatisfactory a reply to the noble Lord who had introduced the subject; and he thought he had been too severe upon him upon one or two points. He believed it was against the Order of the House to read newspapers in the House; but he was not aware of any Rule against quoting a newspaper—and he was the more likely to be correct on that point, because he remembered that for four or five years the Lord President made a practice of quoting on the first day of the Session a great many disagreeable passages from newspapers against the late Government. No doubt the noble Duke was right in saying that this was a matter which should be dealt with not by a private Member, but by the Government of the day, and if his noble Friend had followed up that remark by saying that Her Majesty's Government were about to take the matter in hand, he felt confident his noble Friend behind him (the Earl of Rosebery) who had also a Motion on the Paper on the subject would be only too glad to leave the question in the hands of the Government. It was most natural for a Member of the Irish Peerage to introduce this subject; for when it was brought forward by the noble Earl on the cross-benches (Earl Grey) some

Earl Grey

years ago, one of the great arguments adduced against the proposal was—"What is the use of stirring up this matter, as no complaints have been made by the Irish and Scotch Peers!" That complaint could not any longer be put forward as a reason why the subject should not be taken into consideration. At all events, he thought it would be convenient if before the question was put, the noble Duke would give some intimation to the House as to the manner in which the Government proposed to deal with the Motion of his noble Friend behind him (the Earl of Rosebery).

LORD REDESDALE hoped that after the discussion that had taken place the noble Lord (Lord Inchiquin) would consent to withdraw his Motion. There was not a Peer in the House who did not concur in the conclusions at which the noble Lord had arrived, but any action in the matter ought to be taken by the Crown and not by the House. After the expression of opinion which had been made on the present occasion, and which was so favourable to the object the noble Lord had in view, he hoped he would not press his Motion to a division. It was a remarkable fact that the first Irish Peer created after the Union was Lord Rendlesham, whose representative now sat in the other House, and neither he nor his family owned an acre of land in Ireland, nor did his predecessor who took his title from his place in Suffolk.

THE DUKE OF RICHMOND said, he would not enter into a discussion with the noble Earl opposite (Earl Granville) about the point of Order. With regard to the next Motion on the Paper, the Government did not see that much was to be gained by the inquiry which the noble Earl (the Earl of Rosebery) asked for; although if the House should be of opinion that the subject should be investigated he did not intend to oppose the appointment of a Select Committee.

EARL GRANVILLE said, as that was so, he would join in the appeal made by the noble Lord at the Table (Lord Redesdale) and urge the noble Lord opposite to withdraw his Motion.

LORD INCHQUIN said, he would act upon the advice of his noble Friend and withdraw his Motion.

Motion (by leave of the House) *withdrawn*.

REPRESENTATIVE PEERS OF SCOTLAND.

MOTION FOR A SELECT COMMITTEE.

THE EARL OF ROSEBURY said, that it might hardly seem necessary, after the announcement that had been just made by the noble Duke, to make any remarks on the Motion which he had now to propose to the House. No extended remarks from him would indeed have been necessary if the noble Duke had not accompanied his acceptance of the Motion by an insinuation that no good would be served by it. His proposition was that a Select Committee be appointed to inquire into the present method of electing Representative Peers for Scotland and Ireland, and to report what changes might be desirable therein. He should have been glad to have embodied this with the proposition which had been just made by the noble Lord opposite (Lord Inchiquin), only that he had failed to discover how the noble Lord's Motion would meet the case of Scotland in any satisfactory manner. He therefore felt bound to bring forward his Motion; and he also felt bound, notwithstanding the intimation of the noble Duke, to make a few observations thereon, for the purpose of showing their Lordships that a genuine and practical grievance existed. To begin with, there was great confusion in connection with the election of Scottish Peers. There was no possible means whereby an objectionable vote could be rejected; and it was possible for two or three Peers to vote under the same title without any means of ascertaining the person really entitled to vote. No doubt the subject had not been altogether overlooked since the passing of the Act of Union to which so much reference had been made. A Committee sat on the subject in 1847, and examined two witnesses. To one of these witnesses these questions were put:—

"Suppose that there was one Peer of the 16 that had 20 votes and another had 21, of which 21 a claimant under a dormant peerage, voting under protest, was one, should you in that case be obliged to return the person that had the 21 votes?—I think so.

"Should you make any representation in the Returns of the election being carried by a protested vote?—Not on the Return, but in the Minutes.

"Does the Minute accompany the Return?—No.

"Then the Return on the face of it, would merely bear that A, B, was elected, although his

election has been carried by votes under protest?—Yes."

Surely such a system as this, by which a Peer might come to that House without having received a sufficient number of valid votes, called for Parliamentary interference. But this was only one instance of many that could be adduced of the unsatisfactory working of the present system. If, for instance, a Scottish nobleman was suffering from a twitch of conscience through a feeling that he had been improperly elected, there were no means open to him by which he could resign his seat in the House; so that in effect it was impossible for the House to get rid of a Peer who had been wrongly elected, or for such a Peer to get rid of himself. This was not, certainly, a state of affairs which should be perpetuated. The only remedy was for the Government to recommend that such a person should be made a Peer of the United Kingdom. Surely it was an unsatisfactory way of getting rid of a Scotch Representative Peer who had been unduly elected by making him a Peer of Great Britain even if the Government were prepared to do so. Then as regarded the system of election, a very great hardship was inflicted upon the Scotch Peerage by the manner in which the votes were taken; because an absolute majority of one would return the whole 16 Representative Peers. Again, there was another great hardship suffered by the Scotch Peers even as compared with their brethren of the Irish Peerage. The latter might represent Scotch or English constituencies in the Imperial Parliament—a similar privilege was denied to the former; and this he considered a real grievance upon the Scotch Peerage; and not only that—it might give, indeed had given, rise to an anomaly injurious to the public interest—for it might be that the heir to a Scotch Peerage might have a seat in the House of Commons where he was displaying ability creditable to himself and useful to his country, when he might suddenly succeed to the Peerage. When this happened he vacated his seat in the House of Commons, and unless he chanced at some future time to be elected a Representative Peer, his services were lost to himself and the country. He would refer to the celebrated case of Lord Marchmont by way of illustration. Lord Marchmont was a leading Member of the

House of Commons and a formidable opponent to Sir Robert Walpole. The father of Lord Marchmont dying, he succeeded to a Scottish Peerage, and was in consequence shut out from both Houses of Parliament and entirely banished from political life. It was said that Sir Robert Walpole congratulated himself on that occasion on the existence of a state of affairs which had so effectively banished his opponent from public life. An Irish Peer could in such a case have come to England and got returned to the House of Commons; but Scottish Peers could not. The case of the Scottish Peer was therefore very unfortunate and unsatisfactory. Besides this unfairness, there were many anomalies in the system which should, he thought, have been done away with long ago. Another hardship was that while the Irish Representative Peers were elected for life, the Scotch Representative Peers were only elected for the particular Parliament. As for the Union, the fact was that even at the time that Act was being passed much dissatisfaction was expressed regarding its provisions, and never since had that dissatisfaction been removed. Many suggestions had been made as to the manner in which these causes of dissatisfaction should be dealt with, but none seemed to be of a character calculated to give general satisfaction or work well. The question of Scottish Peerages seemed to be attended with fatalities. From the Commission of Inquiry to which he alluded much did not result. In 1847 another Commission was appointed. They sat only 24 hours; only two witnesses were called, and 80 questions were put. Both these Commissions, however, placed on record the fact that legislation on the subject was necessary, and Lord Eglinton brought in a Bill on the subject. In 1869 the noble Earl below him (Earl Grey) brought the question forward. On the latter occasion the noble Duke opposite and those noble Lords who were now joined with him in the carrying on of the Government, complained that the House had not been sufficiently informed on the subject. After that the matter was allowed to fall into a state of obscurity. After this he was rather surprised at hearing the noble Duke state something to the effect that there was nothing that need be inquired into. Having shown their Lordships that there were hard-

The Earl of Rosebery

ships and injustices in connection with the election of Scottish Peers, and that there did not exist sufficient information on the subject, and this appearing to be the feeling of the House, he did not think it necessary to say anything further on the subject.

Moved that a Select Committee be appointed to inquire into the present method of electing the Representative Peers for Scotland and Ireland, and to report whether any changes are desirable therein.—(*The Earl of Rosebery*.)

EARL GRANVILLE suggested an addition to the Instructions to the Committee to the effect that the Committee should also inquire into the law relating to the Representative Peers for Scotland and Ireland.

THE DUKE OF RICHMOND objected to the proposed Amendment.

THE LORD CHANCELLOR observed that the Amendment went beyond the object of the Motion, and involved the opening up of the subject of the constitution of the Peerage.

LORD SELBORNE mentioned that the Amendment moved by the noble Duke in 1869, was in these terms—

“That a Select Committee be appointed to consider the state of the Representative Peerage of Scotland and Ireland and the laws relating thereto.”

THE LORD CHANCELLOR pointed out that was a proposal for an inquiry with reference, not to the state of the Peerage, but to the state of the Representative Peerage.

THE DUKE OF RICHMOND objected to the course taken by the noble Earl opposite in pressing his Motion in an altered form after having indicated that he was satisfied with the intimation made on behalf of the Government. He was not prepared to accept the altered Motion at that moment, but would undertake to consider the matter.

After some conversation, the further debate adjourned to *Friday* next.

ARMY—THE BOXER-SHRAPNEL SHELL OBSERVATIONS.

THE EARL OF LONGFORD called attention to a Return dated the 25th of July, 1873, Correspondence between the authorities at the War Office and Mr. W. Hope, V.C., relative to the Shell adopted in the Service, and offi-

cially known as the "Boxer-Shrapnel," which Mr. Hope claimed as his invention. Mr. Hope was a Civil Engineer, who had formerly served with distinction in the Army, and had won the Victoria Cross. Having invented a projectile, he gave up the specifications to the authorities at Woolwich, without thinking it necessary to take out a patent; and, taking no further step in the matter, he continued the work of his profession. In the course of time he learnt that a new shell had been introduced in the service under the name of the "Boxer-Shrapnel," and on inquiry he found that shell was identical with his own. Since January, 1870, he had urged that he should be recognized as the inventor of the projectile; or that, if there was any doubt in the matter, the question should be referred to some impartial arbitrator. The course taken by the War Office was simply to refer the claim to General Boxer; who, of course, denied the statement of Mr. Hope, and a brief note to the latter informed him of this fact. He (the Earl of Longford) wished to give no opinion on the merits of the invention; but the case appeared to him to be one which required more consideration than it had received, and he believed it would be for the credit of the War Office if the decision of the claim were referred to some impartial tribunal. He trusted the noble Lord who represented the Department in that House would be able to give him a satisfactory assurance on the subject. He would, therefore, ask the Under Secretary of State for War, whether it is intended to refer the decision of this claim to the judgment of some impartial authority?

LORD NAPIER AND ETTRICK said, Mr. Hope was a relative of his, and well known to him as a most meritorious officer. Having completed his invention, he deposited it at Woolwich, and afterwards became connected with the diplomatic service. On his return to this country, he at once, on examining the Boxer shell, discovered its similarity to that which he had left behind; and he learnt from a non-commissioned officer at Woolwich that his invention had been removed from its original place and taken to pieces by General Boxer. Now, anyone who looked into the Papers on the subject, would see with how much perseverance a public Department could avoid doing a natural and gracious

thing. His relative had asked for nothing more than that his invention should be submitted to any impartial tribunal, who should decide between him and General Boxer. It could not, he thought, be denied that he had an equitable claim to have that request granted, and he hoped the noble Lord the Under Secretary for War would say that he was prepared to accede to it.

THE EARL OF PEMBROKE said, it was not the intention of the War Office to appoint any tribunal to inquire into the subject. In making that statement, he did not wish to express any opinion on the part either of the present or the late Governments as to the merits of Mr. Hope's invention, and he regretted that the War Department felt it to be their duty to take any course which was disapproved by the noble Lord who had just spoken. The fact was, that the dispute was not one between Mr. Hope and the War Office, but between two private persons. A departmental inquiry had already, he might add, been instituted into the matter, and General Boxer entirely denied that he had in any way been assisted by Mr. Hope's invention. Under these circumstances, he did not see how the War Office could re-open the inquiry.

LORD NAPIER AND ETTRICK was sorry to learn the decision at which the War Office had arrived, and pointed out that Mr. Hope had been advised on high legal authority that he would have no *locus standi* in a civil tribunal.

THE MARQUESS OF LANSDOWNE said, the Boxer shell was introduced into the service in 1867; and that a few years after Mr. Hope had written to the War Office, claiming the invention as his own, and stated that it had been pirated by General Boxer. A departmental inquiry was thereupon instituted, and General Lefroy, who was Master General of the Ordnance, sent in a Report which was in favour of General Boxer and adverse to the claims of Mr. Hope. Mr. Hope was naturally dissatisfied with that decision; but it was obvious that the War Office could not carry the inquiry further. Mr. Hope wanted arbitration, but the War Office declined, on the ground that General Boxer having acquired rights under the law of the land, if any further remedy were sought it must be a legal one.

LORD NAPIER AND ETTRICK asked whether the Report of General Lefroy was included in the Correspondence?

THE MARQUESS OF LANSDOWNE said, the inquiry being a departmental one, it was not usual to publish the Report.

LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (NO. 5) BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Bognor, Brentford, Hitchin, Leicester, Mansfield, Oxford, the Ware Union, and Wrexham—Was presented by The Lord WAL-SINGHAM; read 1st; and referred to the Examiners. (No. 99.)

WILD BIRDS LAW AMENDMENT BILL [H.L.]

A Bill for the more effectual protection of Wild Birds during the breeding season—Was presented by The Earl De LA WARR; read 1st. (No. 100.)

ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (NO. 2) BILL [H.L.]

A Bill to confirm Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for the Borough of Brighton, the parish of Aberdare, and the united school district of Caerhun, Llanbedr-y-Cennin, and Dolgarrog to put in force "The Lands Clauses Consolidation Act, 1845," and the acts amending the same—Was presented by The LORD PRESIDENT; read 1st; and referred to the Examiners. (No. 108.)

House adjourned at Eight
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 12th June, 1874.

MINUTES.]—SUPPLY—considered in Committee—Committee—R.P.

PUBLIC BILLS — *Second Reading* — County of Hertford and Liberty of Saint Alban* [77].

Committee—Report—Conjugal Rights (Scotland) Act Amendment* [45-147].

Considered as amended — Alkali Act (1863) Amendment* [99]; Canadian Stock (Stamp Duty on Transfers* [133]; Apothecaries Act Amendment* [71].

Third Reading — Militia Law Amendment* [130]; Courts (Colonial) Jurisdiction* [111], and passed.

GREAT SOUTHERN OF INDIA AND CARNATIC RAILWAY COM- PANIES (No. 2) BILL.

THIRD READING.

SIR CHARLES FORSTER moved, in the case of this Bill, that Standing

Order 242 be suspended, and that the Bill be read the third time.

Motion made, and Question proposed,

"That, in the case of the Great Southern of India and Carnatic Railway Companies (No. 2) Bill, Standing Order 242 be suspended, and that the Bill be now read the third time."—(Sir Charles Forster.)

Mr. FAWCETT suggested to postpone the consideration of the question until Tuesday.

Mr. RAIKES submitted that it would be most inconvenient to postpone the Bill any further. A considerable delay had already occurred in the progress of the Bill. The hon. Member for Hackney had already had an opportunity of expressing his objections to the measure.

Mr. FAWCETT said, he thought there would be no objection to his proposal, and therefore refrained from making any statement when he asked for the postponement of the Bill. He threw himself, therefore, on the indulgence of the House, whilst he stated his reasons for applying for this brief delay in the consideration of the Bill. In the first place, he disclaimed any intention of renewing a discussion which had already been closed, but he objected to the measure as it stood, because he believed that it would cast a heavy burden upon the revenue of India, and he had only yesterday discovered that an important clause under which the Government of India obtained power to purchase the Indian railways on most favourable terms, had been omitted from the Bill. In the next place, he wished the despatch issued during the Governorship of the late Lord Mayo in relation to the subject, which was expected in this country in a day or two, to be in the hands of hon. Members, before they were called upon to form a final judgment upon the measure. The Bill was to affect the amalgamation of two companies which were altogether of a different character. He would move the adjournment of the debate until Tuesday.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Mr. Fawcett.)

LORD GEORGE HAMILTON said, that in substitution of the clause which had been omitted, one which was even more favourable had been inserted. It was necessary that the Bill should receive the Royal Assent by the 13th of

June, and he promised that if the Motion were withdrawn, the suggestions of the hon. Member for Hackney should be fully considered in "another place." He therefore hoped the hon. Gentleman would not persevere in his Motion, as a further delay would be attended with most serious consequences. He had already, on a former occasion, replied to the objections of the hon. Member, and showed that he was altogether mistaken in his impression upon the subject.

MR. MELLY also expressed a hope that the measure would not be postponed.

GENERAL SIR GEORGE BALFOUR thought the proposal to adjourn the debate for so short a time could not be attended with much difficulty.

MR. BECKETT-DENISON said, he was in favour of the immediate progress of the measure.

Question put.

The House divided:—Ayes 49; Noes 102: Majority 53.

Original Question put, and agreed to.

Bill accordingly read the third time, and passed.

GENERAL POST OFFICE—THE SORTING OFFICES.—QUESTION.

MR. NAGHTEN asked the Postmaster-General. If he has had his attention called to the want of proper ventilation that exists in the sorting offices of the General Post Office; and, if so, whether he is prepared to adopt a remedy for a state of things that is injurious to the health of those employed in that Department?

LORD JOHN MANNERS, in reply, said, that his attention had not been called to the subject until the Question of the hon. Member had been put on the Paper. Extensive alterations were in contemplation, and these would give increased space to those employed in the sorting offices.

THE IRISH MAGISTRACY—MR. JACKSON, J.P.—QUESTION.

MR. O'REILLY asked the Chief Secretary for Ireland, What decision the Lords Commissioners of the Great Seal in Ireland have arrived at in the case of Mr. Jackson, the magistrate for the county Mayo, whose conduct in reference to the election of a Poor Law Guardian

has been brought under their consideration?

SIR MICHAEL HICKS-BEACH, in reply, said, he had made inquiries, and found that Mr. Jackson had been removed from the Commission of the Peace.

PUBLIC OFFICE LIBRARIES—DUPLICATE BOOKS, &c.—QUESTION.

MR. WHEELHOUSE asked the Secretary to the Treasury, Whether he can and will arrange for the gratuitous distribution among the several Free Libraries instituted throughout the three Kingdoms of some of the duplicate copies of the books and papers now stored on the shelves or in the cellars of our several public departmental offices, with a view to such books, &c., becoming more extensively circulated and used, especially in the provinces?

MR. W. H. SMITH, in reply, said, he was hardly able to tell to what books and papers his hon. Friend referred. If, however, his hon. Friend would let him know privately or publicly to what books and papers he alluded, he would make inquiries and see what could be done with a view to meeting his wishes.

SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MONASTIC AND CONVENTUAL INSTITUTIONS.—RESOLUTION.

MR. NEWDEGATE, in moving as an Amendment, to leave out from the word "That" to the end of the Question, in order to add the words—

"it is expedient that Her Majesty's Ministers should introduce a Bill appointing Commissioners to inquire as to Monastic and Conventual Institutions in Great Britain,"

said: Mr. Speaker, I am fully sensible of the difficulty of inducing the House of Commons to adopt any precautionary measure. You, Sir, and I were Members of this House prior to the year 1851. You may perhaps recollect that in 1852 I read to this House, with reference to our defensive armaments, the almost despairing letter of the late Duke of Wellington to the late General Sir John Burgoyne, and you will also recollect, that it was not until the late Lord Palmerston left the then Govern-

ment of Lord John Russell, because they would not accept the repeated warnings, which had reached this country from abroad, that anything effectual was done towards remedying the notorious deficiencies of the defensive armaments of this country; and even after this House had been persuaded of the necessity for measures in that direction, when the Crimean War broke out our armaments were found to be in a most lamentably deficient state in many respects, and we had to commence that war with very inadequate means. If this were the case with regard to measures of that kind, even after we had been repeatedly warned from abroad as to our actual condition of insecurity, I have felt that I had no right to expect that there would be any great readiness on the part of this House to adopt precautionary measures respecting the institutions to which my Resolution refers. It is true that in former years the House has repeatedly resolved that inquiry as to these institutions is necessary. I voted in repeated majorities in favour of inspection in 1853. I also voted in repeated majorities of 1854. In 1865, 1867, 1868, and 1869 I moved that the questions which had arisen relating to the property possessed by these institutions, or by the individuals who are connected with them, as well as with respect to the personal freedom of their inmates, should be considered, until, in the year 1870, the House resolved that there should be an inquiry, by a Committee of this House, into these subjects; but after the House had come to this Resolution, it was induced, by the right hon. Gentleman the Member for Greenwich, the then Prime Minister, so to pare down and limit the Instruction to the Committee, and thus to limit the scope of the inquiry, that the Roman Catholic solicitors, who appeared as witnesses before the Committee, were enabled practically to defeat the intention of the House; and although they stated that the number of convents they represented amounted to 215, and although one of these legal gentlemen said that he represented a considerable proportion of the Monastic Institutions, they disputed the accuracy of the list of those institutions in *The Roman Catholic Directory* which was published "Permissu Superiorum." These witnesses said that, instead of their being 69 Monastic Institutions in Great Britain,

as stated in *The Roman Catholic Directory*, there were only 30. Whenever the Committee questioned those witnesses as to where any of these institutions might be situated, or as to the number of the inmates, or as to the property, with which it was endowed, immediately the witnesses pleaded "privilege." The Committee failed to obtain any specific information on these subjects from these witnesses, and then very unwisely rejected evidence produced by comparing the rate-book with *The Roman Catholic Directory*. The Committee had, therefore, no adequate means of testing the rough estimates which had been laid before them by the Roman Catholic witnesses, and I am sorry to say they rejected evidence, tendered them from other sources, some of which had been received by the Court of Probate and the Court of Chancery with reference to the tenure of property held by these institutions. Under these circumstances, the hon. and learned Gentleman the Member for Marylebone (Sir Thomas Chambers) and I felt that we could no longer serve upon that Committee. We therefore retired, and declined to take any part in its proceedings, when it was afterwards in 1871 re-appointed for the purpose of completing its labours. That Committee, in the last paragraph of their Report, avow, that their inquiries were incomplete. They avowed that they had not procured sufficient information to enable them to recommend any change in the laws relating to property that should regulate the possessions of those institutions; the Committee virtually abandoned the task which had been confided to them. Now, Sir, I do not think that either this House or the country ought to be satisfied with an incomplete investigation of this important subject; and the less so when they look abroad and see that not merely Protestant Prussia, so far as she is Protestant while including Silesia, but united Germany, including Bavaria, and other States having large Roman Catholic populations, have deemed it necessary to take the most active and decided steps for the regulation of Monastic and Conventual Institutions within their territories; in this respect following the example which Italy has set, in order to effect her complete emancipation from Papal control. Although I wish well to the Italians, and cannot help rejoicing

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at the liberation of the Roman people, yet I do feel that the world has lost much of useful warning from the emancipation of Italy and Rome from Papal government. Mankind have no longer before their eyes that great example of misgovernment. And with regard to the allegation which is sometimes made that these institutions are useful in an educational point of view, let any man turn to the Italian statistics on that subject; he will find that, taking Italy locality by locality, and village by village, up to the period when her Government suppressed these Monastic and Conventual Institutions—wherever these institutions existed to the greatest extent in modern times, there ignorance and vice have most prevailed among the people. But just now another phase of this question has presented itself. Austria has found it necessary to legislate on this subject, and the last act of the Austrian Parliament respecting it, of which I have received information, is, that casting aside altogether the principles of government which were embodied in the Concordat of 1855—principles, which reserved those institutions to the sole control of the Pope, acting within what he terms his ordinary jurisdiction—the Legislature of Roman Catholic Austria has adopted the very measures which have been frequently recommended in this House, and has appointed officers with authority to inspect and report periodically upon the condition of the Monastic and Conventual Institutions within the limits of the Empire. Again, Switzerland has found it necessary to expel the Jesuits. Prussia also has found it necessary to expel the Jesuits. But here, in this country, we find them congregated, in open defiance of our laws, and, as I will show the House, treating those laws with manifest disrespect. The Roman Catholic hierarchy have recently met at St. Edmund's College, near Ware, in what they describe as a Synod. Two reporters of the public Press were invited to attend the assembly and were housed at St. Edmund's College, when for the first time since the Reformation the Papal standard was publicly unfurled in this country, and was displayed from the roof of the College. The heads of those Monastic Institutions are no longer content to remain in discreet privacy, but demand, that their presence in Synods, which

they call legislative assemblies, shall be published in defiance of the existing laws. I take this account from *The Morning Post* of Thursday, the 24th of July, 1873—

"The following is a list of the principal clergy present yesterday, and who will for the most part remain until the conclusion of the Synod—Archbishop Manning, Bishops Brown (Newport), Ullathorne (Birmingham), Brown (Shrewsbury), Roskell (Nottingham), Vaughan (Plymouth), Clifford (Clifton), Amherst (Northampton), Cornthwaite (Beverley), Chadwick (Hexham), Danell (Southwark), Vaughan (Salford), O'Reilly (Liverpool), the Most Rev. Roger Bede Vaughan (Archbishop Coadjutor of Sydney), and Archbishop Howard (Vicar Capitular of St. Peter's, Rome)."

And here follow some remarkable names and titles:—

"Abbot Burchall, Titular Abbot of Westminster and President of the English Benedictines, who have a special rule of their own; Father King, Provincial of the Dominicans; Father Galloway, Provincial of the Jesuits; Father O'Loughlin, Provincial of the Passionists; Father Rinolfi, Provincial of the Institute of Charity; Father Coffin, Provincial of the Redemptorists."

Now, Sir, under the provisions of the Catholic Relief Act Her Majesty's Government, to whom I now appeal, have the power, through their Officer, the Attorney General, of demanding that every member of the Monastic, or Regular Orders of the Church of Rome, who is resident in this country shall be registered. The law forbids the admission of members to those Orders, and contemplates the suppression of them in this country. But for a lengthened period no Government has even granted a Return of the names and number of such persons, resident in Great Britain, and I believe there is no register whatever in existence. There is a provision in this law—that if any Jesuit or member of any other Regular Order desire to visit this country, he must obtain leave from the Secretary of State; but we well know that members of Regular Orders of the Church of Rome are coming into this country in numbers, and that none of them condescend to ask the leave of the Secretary of State. Such is the state of the law, and such is the lax manner, in which it is administered. And what is the consequence? In the course of the first debate of the present Session, the debate upon the Address to the Crown, the hon. Member for Louth (Mr. Sullivan) proclaimed that these laws are obsolete, and de-

manded that they should be repealed, and two Sessions ago the hon. and learned Baronet the Member for Clare (Sir Colman O'Loughlen) introduced a Bill to repeal those clauses of the Relief Act of 1829. If the law is inoperative, as has been asserted, in reference to these institutions, then the law ought to be reconsidered with a view to ascertain, whether it should be repealed or enforced. But upon the evidence of the Roman Catholic lawyers, who appeared before the Select Committee of 1870, I deny that the clauses referred to are obsolete in the sense of being altogether inoperative; for they were unanimous in declaring, that the effect of these clauses is to restrict the acquisition of property in this country by the Monastic Orders. There is a demand that the law should be abrogated; and this is one of the grounds upon which I ask this House to urge upon Her Majesty's Government the expediency of bringing in a Bill for the appointment of Commissioners to inquire as to Monastic and Conventual Institutions in Great Britain. It is perfectly manifest, from what took place before the Select Committee of 1870, that no Committee of the House of Commons can obtain for this House the information it requires as to the localities in which these institutions exist, as to the property of which they are possessed, as to the discipline by which they are governed, as to their relations to each other, or as to the rules relating to the admission of members to these societies. If one thing more than another could show the persistent determination of some hon. Members of this House that the House shall continue to regard these Monastic Institutions as exempt from the jurisdiction of the law, in the sense in which the monasteries were exempt prior to the Reformation in this country, I think it was manifested pretty plainly two days since, when, after Her Majesty's Government had consented to obtain and lay before the House information with respect to the laws relating to these institutions in foreign countries, the hon. and learned Baronet the Member for Wexford, (Sir George Bowyer), took the opportunity of the attendance being thin, to count out the House, and thus to interrupt the business of the House on the last Tuesday that remained to the unofficial Members of the House for the transaction of

their business; and that disrespectful course was adopted lest this House should receive from the Government information, which I am convinced the majority of hon. Members desire, and which the Government had intimated their willingness to provide. It appears to me that if the hon. and learned Baronet, and those who support him, had their own way, this country would be placed in the position from which Germany has delivered herself; from which Italy has delivered herself; and from which Austria has lately delivered herself with respect to these institutions. Is it, I ask, to be urged, as was pleaded before the Committee of 1870, that if the ordinary law were applied, the illegality of these institutions would become apparent, and their property be thereby confiscated? Sir, these institutions have increased, and are increasing year by year until they number now no fewer than 86 Monastic Institutions and 268 Conventual Institutions, together more than 350, and in addition to these there are 20 Roman Catholic Colleges, conducted, I believe, by members of the Regular Orders. I ask the House, whether it is seemly, whether it is becoming, whether it is safe, that the law of this country should longer remain without the means of adequate supervision and control over those portions of our territory, which are claimed as exempt from the jurisdiction of the State as exercised over every other portion of it? There was a time, Sir, when public-houses were not subject to special supervision in this country. There was a time when factories were not regulated. And there was a time when no limit was applied to the number of persons in lodging-houses; but now the women, young persons, and children who are employed in factory labour, and workmen in other employments, are all cared for by law; and we have adopted stringent regulations with respect to the hours of opening and closing, and the conduct of public-houses. I ask this House, then, if all this does not render it more and more anomalous that these institutions, on the pretence that they are private institutions, should be growing up by hundreds, whilst England stands alone among the principal nations of Europe in permitting the patrons and inmates of those institutions to defy her laws, and to be free from all supervision on

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the part of the State, while they refuse to submit to those provisions of the law which even Roman Catholics in Prussia, in Switzerland, in Italy, and in Austria, have concurred in granting to their respective Governments. But, Sir, a principle has recently been enunciated by high authority in the Church of Rome, which has an application to this subject, and which, I think, ought to be emphatically repudiated. Sir, Dr. Manning has declared that His Holiness the Pope is the sole judge of the extent of his jurisdiction in every State, as against the authority of the State and its laws; and this is a proposition which the Pope himself has enunciated, and enunciated particularly with respect to France. M. Emile Ollivier, prior to becoming Prime Minister of France, published, as appended to an address to his constituents, a letter addressed in 1865 by His Holiness the Pope to the late Archbishop of Paris, Monsignor Darboy, in which His Holiness condemned Monsignor Darboy, as Archbishop of Paris and a Senator of France, because, acting upon the laws of France and in accordance with the terms of the Concordat between His Holiness and France, as Archbishop he had visited the establishments of the Jesuits and the Franciscans in Paris. This is an authoritative document, and I have a copy of it here at the service of any hon. Member who would like to see it. In that letter His Holiness the Pope declares that this exemption is the peculiar privilege of the Jesuits, and that it has been extended to the Franciscans and other of the Regular Orders of the Church of Rome, to be exempt from episcopal superintendence and supervision; that they come within the ordinary jurisdiction of His Holiness, and are distinctly, themselves and their property, an appanage of the Holy See in whatever country their institutions may be situate. I state this upon the authority of the document, which was produced by a late Prime Minister of France as having emanated directly from the Holy See; and these pretensions account for the action of foreign Governments in relation to those institutions. The relations between the Government of Russia and the Holy See teach the same lesson. In 1865 the Russian Government expressed their readiness to agree to a Concordat, especially in re-

ference to Poland, conceived in the same terms as the Concordat with the Government of France. But the authorities of the Holy See after long evasion at length refused, and no wonder, for at that very time His Holiness the Pope was condemning the Archbishop of Paris, who desired to comply with the terms of the Concordat between France and the Holy See, and was acting through his agents in an opposite sense in Poland. It was not likely that he would consent to a Concordat with Russia similar to that with France, which he was seeking to violate. I ask, then, when such extreme pretensions are put forward, whether it is not high time that we should have information at our command with reference to those institutions, which are growing up in this country, and, whose representatives are, as I have shown the House, ostentatiously defying existing laws? Is it not time for Parliament and the Government of the country to inquire, whether some of the regulations with respect to Monastic and Conventual Institutions enforced by foreign States should be adopted here—regulations adopted not only in Prussia and Switzerland, but which have been found necessary in Roman Catholic States for the superintendence and supervision by the civil authorities of these institutions? Let me remind the House that the clauses of the Catholic Emancipation Act, which have thus been disregarded and set at defiance, were not meant to be a dead letter by the originators of that Act. With the permission of the House, I will quote the words of the Duke of Wellington, one of the authors of the Roman Catholic Relief Act—of the statute which confers the privilege of sitting in this House upon hon. Members opposite who belong to the Roman Catholic persuasion. The Duke of Wellington said when introducing the Bill of 1829, with reference to those clauses which relate to the Regular Monastic Orders in the Emancipation Act—

“Another part of the Bill has for its object to put an end to the order of Jesuits and other monastic orders in this country.”

In saying this he was alluding, no doubt, to Clongowes, in Ireland, and an establishment in Galway. There were at that time no such institutions in England or Scotland, excepting the College of Stonyhurst. He went on to say—

"The measure, which I now propose for your Lordships' adoption, will prevent the increase of such establishments, and without oppression to any individual, and without injury to any body of men, will gradually put an end to those which have already been formed. There is no man more convinced than I am of the absolute necessity for carrying into execution that part of the present measure which has for its object the extinction of monastic orders in this country. I entertain no doubt whatever, that if that part of this measure be not carried into execution your Lordships will very soon see this country and Ireland inundated by the Jesuits, and the regular monastic clergy sent out from other parts of Europe with the means of establishing themselves within His Majesty's kingdom."

This did not occur quite so soon as the Duke of Wellington anticipated; but it has occurred now, and it is for that reason that I affirm that these establishments are created and maintained in direct opposition to, and in defiance of, the laws of this country. I say again, if these laws are obsolete, let there be an inquiry as to what ought to be substituted for them. If those laws are not enforced, let us inquire what is the reason that they are not enforced. And if those laws are defective or inadequate, let us inquire by what means they may be corrected or supplemented. It has been said that it would be disrespectful to the ladies in convents to institute an inquiry; but, Sir, I do not propose the regular and periodical inspection of those establishments. What I propose is simply this—that Parliament and the Government should be informed as to the numbers, the character, the discipline, and the relations of those institutions to each other. Now, I wish to bring no false accusations against convents; but I must be permitted to remind the House of a transaction which came within my own knowledge, in times gone by. In the year 1851 two hon. Members of this House brought forward the case of Miss Talbot, the late Lady Edward Howard. [Sir GEORGE BOWYER: Oh!] I think the hon. and learned Baronet the Member for Wexford was a Member of the House at the time, and if he refers to *Hansard's Parliamentary Debates*, he will find his own speech and what I said on the occasion, and further what occurred in this House. The late Mr. Craven Berkeley, a friend of mine, was the stepfather of this lady, and he came to me and told me that his stepdaughter, Miss Talbot, was likely to be placed in a position in which she would not have a fair

option as to taking the conventual vows. The late Mr. Henry Drummond was then a Member of this House, and as he was an older Member than I, I referred Mr. Berkeley to him, and we brought the case before the House. Our object was to compel the Lord Chancellor to sit on a Saturday, because we had no other means of reaching the convent in which Miss Talbot was detained, so as to prevent the vow being administered on the Monday—Miss Talbot was a ward in Chancery—and we succeeded.

Sir GEORGE BOWYER: I rise in Order. The hon. Member is going into transactions which he is misrepresenting. And as I took part in the matter to which he is referring I must correct him. [*Cries of "Order!"*]

Mr. SPEAKER: The hon. Member for North Warwickshire is not out of Order. The matter to which he is referring is relevant to the Motion, and the hon. and learned Baronet the Member for Wexford will have an opportunity of contradicting him afterwards if he thinks the hon. Member is misrepresenting the facts.

Sir GEORGE BOWYER: I rose merely to correct the hon. Gentleman.

Mr. NEWDEGATE: The hon. and learned Baronet the Member for Wexford is a Knight of the Order of St. Gregory, wears the Collar of the Order of Constantine, and is altogether very proud of his Papal distinctions, and he presumes to interfere with a discussion in this House, as if the House has no right to debate or to review occurrences which have taken place within its own walls. But the House of Commons did not so judge in 1851. The Lord Chancellor did not so judge in 1851, for he sat on the Saturday, and on the Monday messengers went down and brought that lady back to her nearest male relative, my late friend, Mr. Craven Berkeley. [Sir GEORGE BOWYER: No!] I am surprised that the hon. and learned Baronet should contradict me on this matter—[Sir GEORGE BOWYER: I do]—for I was staying in the house with Mr. Craven Berkeley when the lady arrived. I never saw such a display of zeal as this, which would deny to me the evidence of my own senses. I speak of what I know. I speak of what I saw. I speak of transactions between a personal friend and myself; and yet the hon. and learned Baronet the Member

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for Wexford, distinguished as he is by all these Papal orders, pretends, through some power of vision surpassing human faculties, to know better than I what passed between me and the stepfather of this lady. I had the honour of being made known to her afterwards, and was glad to see her happily married, and that she lived some years to be an ornament to the society, in which she moved. That occurrence produced a deep impression on my mind. I know, also, that a nun escaped from a convent in my own neighbourhood, and that, in consequence of what appeared as to the severities in that convent, the community which inhabited that convent had to abandon it. Another lady left the convent at Colwich, and was brought back. Under the direction of Mr. Justice Wightman, inquiries under circumstances of great difficulty were made as to whether it would be possible to obtain sufficient evidence upon which to found the issue of a writ of Habeas Corpus. I know that friends of mine were obliged to employ detectives for weeks, almost months, because sufficient evidence as to the lady's real name and her being within that convent could not be obtained. The Lord Chief Justice of England has asserted that a writ from the Court of Queen's Bench could open the doors of any convent. Granted; but I know this, that Mr. Justice Wightman was kept waiting six weeks before he could obtain evidence upon which he might order the issue of the writ, and after all it was discovered that this lady had been removed from the convent at Colwich to another convent in the interval. She appeared to have been at the Colwich Convent when the application was made to the Court before sufficient evidence was forthcoming, but messengers had to be sent to another convent. I ask, then, how is the liberty of inmates of convents secured, when, though a Judge has such evidence and information as induces him to desire that inquiry should be prosecuted, skilful detectives, supported by able lawyers, are six weeks in obtaining the evidence on which the issue of the writ depends? I say, Sir, that the existence of such cases constitutes a reason for inquiring whether we ought not to adopt the system of supervision which is now in operation in Austria and Germany, so that when some inmate of a convent is reasonably

believed to be detained therein against her will, some authority should be enabled to reach that person within a less period than six weeks. What may not happen within the six weeks? And why are the Parliament and Government of England to be the only European exceptions to acknowledging a necessity that has been acknowledged by every Continental country? I hold in my hand the regulations contained in the Prussian Code with respect to convents. I should be sorry to detain the House by reading extracts from them; but I may briefly state, that in Prussia the law lays down exact conditions with regard to the age at which a person, whether male or female, shall be permitted to take monastic or conventual vows. The law also requires the consent of the guardians in the case of minors. It further requires, that the sum given to the convent or monastery on admission shall not exceed a certain amount. It also requires that the vow shall not be binding for more than five years; the State shall then inquire again whether the inmate is contented with his or her position; and, moreover, it provides, that during that period no such inmate, whether monk or nun, shall be held capable of acquiring property, except in such proportion as was originally agreed upon before the taking of the vow, lest those institutions should, as they have done in Italy but recently, absorb too large a portion of the property of the country. Again, these regulations comprise certain rules to be observed by the family of the inmate. I can furnish copies or extracts of these laws to any hon. Member who would like to see them. And I ask, that if we are to sanction the rapid increase of these Conventual Establishments in this country, is it not due to the people of England, who have petitioned this House by thousands for years past, that this House should agree to the appointment of a Commission, whose duty it will be not to drag these ladies from their seclusion, but to visit the localities of convents, not to force the conscience of anyone, but to inquire and procure information as to the character of those institutions, and as to the regulations under which the inmates are living in them? During the long course of years that this question has been agitated it has come to my knowledge that a con-

vent may be a happy home one month, and within another month — aye, less than a month, for it has happened in a convent in my own county—the whole system may be changed, and that happy home turned into a prison, in which severities may be practised, that I will not trust myself to characterize. I shall not detain the House much longer. I represent hundreds of thousands of my fellow-countrymen. I express the deliberate opinion of hundreds of thousands of my fellow-countrymen in favour of the inquiry I suggest. I have never uttered a word that was disrespectful to any nun or lady in these convents. [“Oh, oh!”] Hon. Members may cry “Oh” if they please; I repeat that I have never done so, though if it were necessary to use strong expressions in the attempt to describe repulsive circumstances in such cases, I would not hesitate to use them. I appeal to the English House of Commons, an assembly of English Gentlemen, no longer to neglect these institutions. I ask the House to be warned by the example of Roman Catholic States; not to be so proud as to imagine that in England we shall always be free from the dangers which have induced the people of Germany to establish regulations for the government of these institutions; because these Monastic Institutions form the basis of the political action of the leading Order of the Papal system, and the Jesuits have justified the opinion, which was expressed in this House by Lord Palmerston in the case of Switzerland—he being at the time Secretary for Foreign Affairs—that unless they were duly controlled, the existence of that Order in any country, whether Roman Catholic or Protestant, is not calculated to promote the peace, the happiness, and welfare of its people. I beg now to move the Resolution of which I have given Notice.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “it is expedient that Her Majesty’s Ministers should introduce a Bill appointing Commissioners to inquire as to Monastic and Conventual Institutions in Great Britain,”—(*Mr. Newdegate*.)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

Mr. Newdegate

MR. O’SULLIVAN rose to oppose the motion, because, from what he knew of the lives of the inmates of convents, it was quite unnecessary that they should be subjected to any inquiry. He was convinced that the right hon. Gentleman, the First Lord of the Treasury was too clear-headed to be led into such an ambush as that now laid for him—an ambush so fatal to the liberty of the subject and the peace of the Empire. Where would be the boast that an Englishman’s house was his castle, if such a law as the hon. Member proposed was passed? If any of the ladies in those institutions were detained there a day beyond their wishes, or were ill-treated, the Roman Catholic Members of that House would be the first to call the attention of the Government to the case. Those convents were occupied by ladies who had given up the joys, pleasures, fortunes, and vanities of this life to devote their time and talents to the service of their God, and they were never known to have committed any breach of the laws. Those institutions were places to which Roman Catholic gentlemen sent their daughters to be educated, in order that they might receive a pure moral training. Why were they to be selected for persecution and insult? There was no Irishman in the country worthy of the name who would not spring to his feet to defend the honour of those pure and holy women if a Bill like that contemplated by the hon. Member were introduced. If the Motion of the hon. Member was carried, they might have an inspection of convents, which would include the underclothing of the nuns—[“Oh, oh!”]—and the ascertaining of the fact whether any of them were of the colour which seemed to inflame bulls, turkey-cocks, and Protestants alike—[“Oh, oh!”] No measure could cause a greater disruption of society than that would do, and while there were many unjust things which Irishmen might submit to, they never would submit to the wanton insult involved in such a Bill.

SIR JOHN KENNAWAY said, he had put on the Paper the following Amendment—

“That this House, while it raises no claim to interfere with the religious observances of Roman Catholics, is nevertheless of opinion that the rapid increase of Monastic and Conventual

Establishments in this Country demands a careful inquiry, on the part of Her Majesty's Government, whether any additional securities, such as have been imposed in Foreign Countries, even under Roman Catholic Governments, are needed here to insure the full personal liberty of the inmates, and to secure to them absolute freedom in the disposition of their property."

He knew that he could not take the sense of the House on his Amendment, which he had placed on the Paper, not in opposition to the Motion of the hon. Member for North Warwickshire, but in order to prevent such a misunderstanding as existed in the mind of the hon. Member who had just sat down, and to point out what were the real dangers to be guarded against and the precautions which might be necessary in connection with that subject. It was especially desirable that a question like that should be brought forward and clearly understood in a new Parliament, many hon. Members of which had not had an opportunity of hearing it discussed before, and therefore, perhaps, entertained the vague ideas about it which were common outside of that House. He was sure the House would never pass any judgment, and certainly no condemnation, on those who, in obedience to the highest motives, gave up the dearest ties of home and kindred in order to devote themselves to the service of religion. He was willing to allow that these institutions had in the Middle Ages conferred great benefits on the country, especially in regard to literature and learning; but the very rapid increase in their numbers during the last few years ought not to pass unnoticed by that House. In 1829 there were only 16 conventual institutions in this country; in 1851 there were 53, and now the number had increased to 268. In 1829 the number of monastic institutions was nil, while at present there were 86. Seeing that increase, the House had a right to inquire whether there was anything in the peculiar conditions of these institutions which rendered peculiar safeguards necessary for the liberty and property of their inmates. According to Romish authorities, it was morally impossible for a professed nun who had taken the vows to come forth again from seclusion. ["No, no!"] With moral considerations they had nothing to do; but it was the duty of the House to inquire whether it was physically possible for them to come forward, and

whether they were prevented by the bolts and bars of their convents from coming out. From the nature of the building in which they resided, it usually appeared to have been designed not only to protect them from intrusion, but to keep the inmates from getting out. When they considered the age at which the vows were frequently taken, it would seem probable that there were many spirits who rebelled against the discipline, and who were met by imperious wills backed by absolute power, and the House must feel that there was some danger lest undue coercion might exist in these institutions. It was alleged that these were voluntary inmates, and ladies of title had said they were free to come and go. The hon. Member for Limerick County (Mr. O'Sullivan) had said that many Members of that House had female relations in these institutions, and that if they had anything to complain of, they would apply to them. But all the inmates of these institutions had not friends in that House, and although in the majority of cases there might be no danger, yet in the minority there might be a great and absolute danger, and he thought their cases ought not to be overlooked. Cases illustrating the circumstances connected with the entrance to these institutions had been presented to the public, and it would be some satisfaction therefore if they had more information about their management, and knew whether the state of things had been changed for the better or not. He did not wish to harrow the House with details; but the House would recollect the miserable condition in which Barbara Ulrich, the Nun of Cracow, was discovered. The House would remember the case of "Saurin v. Star" before the Courts of this country. Father Saurin stated that the horrors of which his niece was the victim surpassed the wildest imagination. If such things were possible, the House had a right to ask whether they ought not to be prevented, if it lay in the power of Parliament to prevent them. With regard to property, the amount held by these institutions was very large; but matters had not yet returned to the length to which they had attained in the time of Henry VIII., when half the land of the country was held by monastic institutions. Still, cases had been brought before the Law Courts which proved that

undue influence where the disposition of property was concerned was brought to bear against the inmates of convents. In the case of "*White v. Mead*," which was tried before Chief Justice Pennefather, in the Irish Court of Exchequer, an inmate had been induced by the solicitor of the convent to convey her property for the benefit of the institution, pending which she had been refused the liberty of seeing her own relations. The Judge held that the property must be re-conveyed, on the ground that undue influence had been used. In the case of Miss Macarthy, she stated that she had been obliged to sign a deed which assigned her property, but that it was like the act of a dead person. *The Times* called it a revolting case, and Mr. Napier told the House in 1853, that when he went back to Ireland he found that the Roman Catholic Members of the Irish Bar were against inspection, but that they thought there ought to be some provision with regard to the disposition of property. That doubt had been at various times felt by Roman Catholic Members, and these cases had left a strong impression upon the country, and an undefined feeling that all was not yet known, and that worse might remain behind. The right method of dealing with these questions had not yet been discovered, and therefore he thought the House might fairly consider any suggestions on the subject which should be made from any quarter whatever, for the present chronic agitation must be unpleasant to all parties, and members of these institutions could not feel very comfortable when they must be in doubt as to the legality of their position. On the other side, the House was bound to consider the disabilities under which the members of these religious bodies might labour. It had also a right to consider what was done in foreign countries, and especially in Roman Catholic States, as had been shown by the hon. Member for North Warwickshire, where restrictions and regulations were not considered an insult or reflection upon the managers of these institutions. Such regulations were enacted because the State thought that these persons required protection, and because the State could not recognize a power superior to itself within its own limits. Without asking the Government to embark in any Bismarckian

crusade, the House might reasonably expect them to take measures for the security and liberty of these persons. Their security might be improved by a compulsory registration of all the inmates of these institutions. In one case before our Courts, a doubt existed as to whether a particular person was an inmate in one of these institutions. If a compulsory registration had existed, and she had been found to be there, a writ of Habeas Corpus might have been moved for, and then the whole question might have been tried. As to property, the law was extremely jealous of the exercise of undue influence, and he thought it therefore not unfair to ask that the ladies in question should be placed in the position of wards of Chancery, as was the case with minors. The Motion of the hon. Member for North Warwickshire for inquiry by the Government, appeared to be obnoxious to hon. Gentlemen opposite, who seemed to suppose that the peace of the nuns might be disturbed and that they might be dragged from their seclusion if it were carried. His own opinion was, too, that there was enough known on the subject already, and that public inquiry was, therefore, unnecessary. The law would not allow a man to part with his own rights, and did not even give him liberty over his life, and it should, therefore, in his opinion, extend its protection over those who happened to have entered convents. Parliament had extended the protection of the law to Irish tenants, and he had never heard that they had deemed themselves to be insulted by the passing of the Irish Land Act, while only the day before, the House had given its sanction to a measure for the protection of women and children. Now, if, as the Home Secretary had then stated, a woman ought to be protected against her sympathies for her family, he thought she ought also to be protected in the case of those religious sympathies which left her no longer mistress of herself. He felt, however, that it would be too much to ask the Government to bring in a Bill on the subject in the present Session. What he hoped they would consent to do was, to issue instructions to our Ministers abroad, as had been done with reference to the Game and the Land Laws, to make inquiries as to the regulations under which convents were

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placed in other countries. If hon. Gentlemen opposite objected to that course, it would show, he thought, that they were afraid of inquiry. He hoped, at all events, that the Government, who were strong enough to take the course which they deemed to be right in the O'Keeffe case, would not refuse to give him the assurance for which he asked. If not, he should deem it to be his duty to vote for the Motion of his hon. Friend the Member for North Warwickshire.

SIR GEORGE BOWYER said, he was anxious that on his side of the House there should be no debate on the subject, because he considered that both the Motion of the hon. Member for North Warwickshire (Mr. Newdegate) and the Amendment which followed, were addressed to Her Majesty's Government, and for himself, he felt confident the Government would deal with the question in a fair and honourable manner. But matters had been brought forward in which he took a personal part, and therefore it was impossible for him to remain silent. He should have thought that good taste and good feeling would have prevented any hon. Member of that House, or any Gentleman, from bringing forward private matters as to a noble lady now in her grave; but the hon. Member for North Warwickshire had done so, and therefore he (Sir George Bowyer) would not shrink from stating what the facts were. That lady was not a nun, but was a young lady in a boarding school attached to a convent, and there was no intention on her part, or on the part of anyone else, that she should become a nun, and he had the authority of the rev. Dr. Doyle, who was her guardian, and whom everyone who knew him respected, for saying that he had not the slightest wish that she should remain in a convent, and that his desire was to see her happily married and the happy mother of children. The hon. Member for North Warwickshire went on to say that the lady in question had been denied access to her relative, Mr. Craven Berkeley; but she had, at the time, informed him (Sir George Bowyer) most distinctly, and authorized him at the time to state to the House, that if she had wished to see Mr. Berkeley, there was nothing to prevent her doing so, but that she had declined to see him because he was a person she

disliked, and who had no particular claim upon her. He had married her mother, who was dead, and she did not consider he was any relation of hers. She soon after left the convent, was placed under the care of the Countess of Newburgh, went into London society, and was married to Lord Howard of Glossop. The hon. Gentleman also referred to the case of a nun who had escaped from a convent; but the facts of that case were, as he had been informed by Dr. Ullathorne, Bishop of Birmingham, that the lady in question wished to go to a more severe convent, to which the Bishop thought her health was not suited. The result was that she escaped for the purpose of entering the convent which she preferred, being at perfect liberty to go out into the world. As to Barbara Ulrich, it was well known that she was a lunatic, and that the superiors of the convent had been completely acquitted, by a Court of Justice, of the charges which had been made against them in her case. There was undue influence out of convents, and he did not say there was not undue influence in convents, but all such cases might be dealt with by a Court of Law. The hon. Member had based his case on the law and policy of foreign countries, and seemed to think that they ought to be applied to England; but that he (Sir George Bowyer) denied. England and America were the only countries where the true principles of civil and religious liberty were properly understood. From Germany, in that respect, they had nothing to learn for its Government was founded on a military despotism. In that country four Bishops—and of those, three were Princes of the Empire—had had all their property seized, and been sent to prison for the committal of what no one but a lunatic could call offences. Those arbitrary acts the hon. Member wished to see introduced here; just as in Italy, under a Government based upon revolution, property had been confiscated without law and without compensation, in a manner which could not be imitated in this country, and those who owned it left to starve. Even if the hon. Member obtained the laws he asked for they would be utterly useless, as he would find they were alien to the spirit of our constitution which it had been the honour and glory of this country always to maintain. Again, in coun-

tries where Government inspection was practised, the law exercised some control over those institutions, because it recognized their existence; but in this country the law did not in any way recognize those religious houses, and with regard to convents in this country he could speak with some authority, as he himself had been the founder of two, and he said that they were nothing more than private houses, and open in the same way to the authority of the law. Boarding-schools were generally attached to those convents, and they were open to the visits of relatives and friends of the inmates, and he ventured to assert that the private life in convents was better known than the private life in any private houses in the country, that there was no secrecy in those institutions, and that if anyone wished to visit them he might do so freely. He therefore submitted that the hon. Member for North Warwickshire had made out no case that would warrant the interference of Parliament.

MR. GATHORNE HARDY: It is quite clear, Sir, that a discussion on this question must always be one which excites a good deal of feeling, and it is not unnatural that it should do so, because there are a great many hon. Members in this House whose every sympathy is aroused by such a discussion. I hope I shall not, in what I am about to say, wound the feelings of any hon. Member, and I shall endeavour to avoid anything that may tend to lead to religious strife. Now, no one in this House has a greater respect for the motives which actuate the hon. Member for North Warwickshire than I have. I know how sincere he is in anything he undertakes, and he has pursued a thoroughly consistent and honourable course throughout his whole career. But it has not been a successful career, and it is rather hard upon the Government, when he has withdrawn his own Bill, because he found that it did not command sufficient sympathy in the House, that he should bring forward a Motion calling upon us to take up the very same Bill. [Mr. NEWDEGATE said, that he hoped the Government would produce a better measure.] I am quite sure that my hon. Friend does not think that a better Bill than his own can be introduced. My hon. Friend has also another Motion on the Paper for to-night respecting the production of the

copy and translations of any laws, ordinances, or regulations relating to these institutions in certain foreign countries, and he says that he will be perfectly satisfied if the Government will give an assurance that Papers of this description shall be produced. My hon. Friend the Under Secretary for the Home Department has already stated that there will be no objection to their production. But let me say one word with respect to these foreign laws. I want to know what my hon. Friend really wishes us to do. Does he want us to adopt these laws when they apply to these institutions, because these foreign Governments undertake many duties which the English Government has long ceased to undertake? They undertake not only to regulate the Established Church of the country, but to regulate the affairs of every other Church besides. And that does not make the whole difference, because when they regulate they recognize; and if you undertake the regulation, it seems impossible not to undertake recognition. In the Act of 1829 there were specific provisions inserted in the Emancipation Act, the enforcing of which were thrown upon the Attorney General, or practically upon the Government of the country; but neither the Duke of Wellington nor Sir Robert Peel attempted to put these restrictions in force, although they were twice in office after the passing of the Roman Catholic Emancipation Act; and it cannot be said that at that time Monastic and Conventual Institutions had not been begun to be founded in England. The authors of the Roman Catholic Emancipation Act allowed these laws to remain upon the Statute Book with the view that, if there were any interference on the part of these institutions with the liberty of the State, that then these exceptional laws should be put into force; but that before they were so put into force, a strong case must first be made out, which I do not think the hon. Member has succeeded in doing on the present occasion. I am equally as sensible as the hon. Member of the evils that may arise from these institutions, but I am still more sensible than he is of the danger of unnecessarily interfering with them. In a country so divided in religious feeling as this, we must exercise the greatest tolerance towards each other, and when we have to deal

Sir George Bowyer

a question of this kind, which is the deepest feelings, not only of Members of this House, but of vast numbers of our people, we ought not to take any step calculated to violate their feelings or to wound their feelings, as there is some very great State authority for doing so. I could not help saying that in all the cases referred to by the hon. Member for North Warwickshire there was an interference by the ordinary process of law. Thus, in the case of the lady to which he referred the Chancellor interfered.

GEORGE BOWYER explained that in that case the lady was a ward in chancery, and the Lord Chancellor had sat to decide what allowance should be made to her.

GATHORNE HARDY: At all times, the Lord Chancellor did sit to decide her case. In the case of *Prin v. Star* and in the other cases mentioned, the ordinary civil law was not to force, and was found sufficient for its purpose. I do not say that the ordinary law is sufficient in every instance, but that when you are going to take an exceptional course you must have some strong, valid, and permanent justification upon which to base your-
I do not think that the hon. Member has succeeded in laying this case to rest in the present instance. With regard to what was said by the hon. Barometer Member for East Devonshire (John Kennaway) as to personal property, there are points as to which we must take care. How is it that we are able to interfere with people who reside outside this institution? Again and again, persons are taken away or shut up, and this is only by such evidence as we could get in the case of convents, that we are to put the Habeas Corpus Act in force.

It is said that tyranny is exercised in convents; but again and again we have cases of cases where wretched persons are insane have been chained up for years, through ignorance and stupidity rather than from malice and wickedness in their relations: but in time the law has discovered the fact, and the Habeas Corpus Act having been put into force in the relations of these persons, they have been called upon to answer for their conduct. I know it is more difficult to obtain information of what is going on in a convent than of what passes in the eyes of observant neighbours,

but I do not see myself, what objection there can be on the part of those interested in these institutions to furnish lists of those who are inmates of them. I do not believe, indeed, that there would be any objection on their part to give such information, which I presume is given each Census. I do not see why ladies in convents should decline to do that which they are called upon sometimes to do in private houses, and disclose their names and ages. It is my belief that in all such cases as those referred to by the hon. Member the ordinary law is operative and is sufficient. We stand in this position—many hon. Members have strong feelings, more or less well-founded, on this subject, and it would be rather a strong measure of the House of Commons to thrust upon the Government the duty of bringing in a measure which no private Member has ever yet succeeded in persuading the House to adopt. Therefore, as the hon. Member's resolution is in the form of an Amendment upon the Motion for going into Committee of Supply, we may meet it by what is practically the Previous Question, and I trust, therefore, that the House, refraining from putting this pressure upon us, will vote that we shall go into Committee of Supply.

SIR THOMAS CHAMBERS said, that the right hon. Gentleman the Secretary of State for War was not quite accurate in stating that no one had yet persuaded the House of Commons to pass Bills of the nature of that proposed by the hon. Member for North Warwickshire, because some 20 years ago the House had passed them by considerable majorities. The right hon. Gentleman said that the ordinary law was sufficient to deal with cases such as those which had been referred to in the course of the debate; but in the same breath, he had admitted that there would be greater difficulty in obtaining information respecting what occurred in Convents and Monastic Institutions than there would be in obtaining information respecting what occurred in private houses. Parliament had found it necessary, in the cases of persons employed underground, of factory children, of women, and of lunatics who were unable to protect themselves, to pass special laws for their protection, and he did not see why the inmates of these institutions should not be equally protected by legislation. The

right hon. Gentleman had said these institutions must not be interfered with, because they were not recognized by the law—that was to say, that these institutions must not be touched in any way, because they were illegal. The time, however, would come when the numbers of those institutions and of their inmates would become so large, and the property held by them so great, that Parliament would be compelled to interfere, and perhaps the feelings of the people towards them then would not be so gentle as they were at present.

MR. HOLT said, that the hon. Member for Wexford (Sir George Bowyer) had stated that the statements of Barbara Ulrich were those of an insane person; but he begged to point out that the fact that she had been confined in a dark cell for 21 years, and was found by the authorities naked, dirty, and lying upon a rotten bed, was proved, not by her statement, but by judicial investigations.

MR. FORSYTH said, that if he were a Roman Catholic he should vote for the Motion, because he believed that a great deal of mischief was done to members of that religion by an uneasy suspicion—not founded in justice—with respect to what went on in convents and monasteries. He should vote for it also for another reason—namely, that monasteries and, as a lawyer, he believed convents also, could not be inspected under an Act of Parliament without being so far recognized by the Legislature as to become legal institutions. When, however, he was asked to vote for a Motion which called upon the Government to bring in a Bill on the subject, he was compelled to ask himself what were the feelings of the Roman Catholics whose institutions and property were affected. He found that they were all opposed to such a proceeding, and he therefore could not support the Motion, unless it could be shown, as it had not been, that there was something in those institutions which was dangerous to the State or injurious to morality. The hon. Member for North Warwickshire had not made out such a proposition, and it was impossible for things to go on in monasteries such as he suggested without immediate redress being found. He should vote on neither side, if the Motion were pressed to a division.

MR. POWER, as a Roman Catholic Member, declared that he would have

no objection to the introduction of a measure for procuring a registration of the names of all persons in convents. He denied that the Roman Catholic community had that decided antipathy to inquiry which was suspected by the hon. Member for North Warwickshire, but they were anxious that some necessity should be shown to exist for this exceptional legislation. He represented no Catholic bigotry. A few weeks ago he was engaged in a contest in which three Roman Catholic Bishops and 150 priests were leagued against him, and he received the support of a large number of his Protestant fellow countrymen. He was only representing their views when he protested against the introduction of a measure which was calculated to stir up religious strife in the country and to bring about those horrible dissensions between creeds and classes which had stained some of the brightest pages of Irish history.

MR. GREENE expressed his great regret at the manner in which the Government had treated this subject. He was surprised to hear the right hon. Gentleman the Secretary of State for War state that no sufficient case had been made out for inquiry; but he (Mr. Greene) maintained that the people of England felt very strongly upon this subject, and he ventured to say that at the next General Election they would make their voices heard with no uncertain sound. The action of the Government led him to suppose that they were bidding for the support of Irish Members opposite, which they would find but a broken reed to trust to. He wanted to see straight Protestant Conservative principles upheld by the Government and the House, and for that purpose he had been sent there, and rather than not carry out those principles, he would retire to the quiet of his own home.

MAJOR O'GORMAN said, he was strongly opposed to any inquiry into these conventual establishments, and for one great reason—namely, that they were inhabited by persons who were the most loyal people in this country. He thought it would be shameful in the House to send a Royal Commissioner to inquire into these establishments. Let the House suppose that a Royal Commissioner was appointed to visit them. He was furnished with a Royal Commis-

sion, and he thundered at the door of a convent. He was admitted, and he asked the lady who admitted him, who she might have been and what was her quality before she entered that convent. She replied—"I will tell you. My sire, sir, was a King; my mother was the daughter of the sixth James of Scotland, and afterwards first James of England; her mother, sir, was Queen Regent of Scotland and Queen Consort of France, and next entitled to the throne of England; she was murdered by a Protestant Queen." [*Laughter.*] Could any hon. Member deny it? The Queen that was murdered was a Catholic, and the Queen that murdered her was a Protestant. But the poor nun went on to say—"Sir, I had a brother; his name was Rupert, sir; he rode by the side of Charles I. until a Protestant—not a Catholic—but a Protestant Roundhead of England murdered that monarch." [*Renewed laughter.*] Let hon. Members deny it if they could. "Sir, I had a sister; her name was Sophia; she was mother to the King of England, sir. Proceed, sir, with your duties as a Royal Commissioner. My name is Elizabeth. I am the abbess—the poor abbess of Ardwick." It was easy enough to go on the stage, but difficult to leave it with dignity. With what dignity could that Royal Commissioner depart from that room in the eyes of the injured Princess, and a loyal Princess, no doubt? He could not leave it, except in one of two characters—either as a miserable slave, or as a gentleman. If in the former character, he was not fit to be a Royal Commissioner; if in the latter, the Royal Commission was not fit for him. What was there for him to do? Nothing but to rush from the presence of that poor insulted Princess, and cover his wretched head with sackcloth and ashes—put himself on his knees in front of the only god he recognized,—namely, the immortal gods, and to pray that they would give him pardon:—

"Dii, quibus imperium est animarum, Umbrae silentes,
Et Chaos, et Phlegethon, loca nocte silentia late
Sit mihi fas audita loqui."

He would add, "Da mihi veniam," and it was to be hoped he would get pardon, for he would stand in need of it.

Question put.

The House divided:—Ayes 237; Noes 94: Majority 143.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

UNIVERSITY FEMALE EDUCATION.

OBSERVATIONS.

MR. COWPER-TEMPLE, in rising to call attention to the legal disabilities which have prevented matriculated and registered students of medicine in the University of Edinburgh from completing their education and proceeding to graduation, on account of such students being women; and to move—

"That it is expedient that legal powers should be given to the Universities of Scotland to make such regulations as they may think fit for the admission and complete education of female students."

said, it had always been an honoured tradition in that House to give a patient hearing to grievances caused by defects in the law, and this would not be refused when the victims were weak, and had no voice in the election of Members, and when the law complained of could easily be amended. The great and rapid strides of education in recent years had not been limited by locality, class, or sex. Although girls were shut out from all public establishments for education they had access to middle-class schools in which an increased power of teaching and advanced methods placed them almost on a level with the middle schools for boys. But these praiseworthy and useful efforts must be crippled and incomplete until they were capped and crowned by something equivalent to the University education of young men. Prejudices against education were slow to defeat. For many long years the fear that improved education would raise discontent amongst the lower classes, and lead to disaffection against the existing organization of society, had impeded the benevolent efforts of the clergy to improve their schools; and a similar prejudice still thwarted the advancement of female education, under the apprehension that higher scholastic training might tempt them to break through the bounds which nature and the ordinances of society had placed around their sex. But experience had already proved the futility of such fears. Systematic and sound mental culture tended to wisdom, not to folly. It was only a superficial smattering that misled the judgment. The chief nations of

Europe were in advance of Great Britain in the higher education of women. In the University of Paris 10 female students were to be found at that moment, and Englishwomen went there for medical degrees. Women might take degrees at the Universities of Lyons and Montpellier, at all the Universities of Italy, at Vienna, and Leipzig. At St. Petersburg 250 young women were receiving medical education; some had gone from Russia to the University of Zurich, from whence they were recalled for political reasons, as Zurich was the resort of refugee Poles. The Universities which had taken the lead in this important matter were the University of London, the University of Cambridge, and the University of Edinburgh. Several years had elapsed since Professors of King's College, London, took the lead in establishing a special College for young women, called Queen's College. That experience, such as it was, had been satisfactory. At the present moment there were in the University College of London, a considerable number of Professors who were endeavouring to extend the benefit of higher and better education to young women. During the past year, in University College, there were about 300 ladies who attended these separate classes, and about 150 who attended the mixed classes of the Professors. London University itself had given certificates of efficiency to these ladies, which were intended to be equivalent to the degrees which were conferred upon the males; and recently a majority of the convocation were of opinion that it was not enough that females should receive certificates of efficiency, but that the time had arrived when the female students in the University should receive degrees. Though the numbers were not great who voted on either side, yet there was reason to suppose that the majority of those who voted on that occasion really represented the majority of the whole body of the graduates, for not long ago there was a memorial signed by 500 of the graduates of London University College, declaring that the time had come when degrees ought to be given to women. At Cambridge many of the Professors had taken a very leading part in trying to extend higher education to women in connection with the teaching of that University. The Cambridge local examinations extended to ninety female

students, who were studying in separate classes. Out of the public lectures there were 22 which were open to young women to attend. At Girton College at Cambridge, distinctly founded for the exclusive education of young women over the age of 18, a system was carried on of discipline and systematic teaching which was framed on the same model as the older Colleges for men, and the result of the teaching there showed, if any one had had any doubt of it before, that the female mind was quite as capable of profiting by the instruction imparted at the University as the other sex. At a late examination, two of the lady students, who were examined for the Cambridge Classical Tripos, were declared to have acquitted themselves in a manner equal to the male candidates who obtained honours. Another, who was examined in the papers set for the Mathematical Tripos obtained such a number of marks as would have placed a male candidate amongst the senior optimes. The female students of Merton Hall attended the general lectures of the University, and the results showed that young women had the capacity and industry to profit by the complete course of University teaching. In Edinburgh, during the last six years, classes of ladies had been taught by Professors in nearly the same methods as the men. In the University of Edinburgh, in the year 1869, some young women presented themselves with the desire of becoming students of medicine, and they were received with a degree of cordial encouragement which was highly creditable to the leaders of opinion then in authority in that University. All the authorities welcomed them. They were admitted after deliberation, and by all the authorities of the University. The Medical Faculty, to whom the application of these ladies was addressed, after mature deliberation, passed a resolution in favour of admitting them as students of medicine. They forwarded that resolution to the Senatus, who, after discussion, also agreed to further the objects those ladies had in view. Then the University Court took the matter into serious consideration. They appointed a Committee consisting of persons of high standing, who had to consider the legal features of the case, and upon that Committee was the right hon. and learned Gentleman the Lord

Advocate who now adorned this House, and who proposed a resolution in which was recorded in these terms—

“That under the power given by the Universities Act for making internal improvements, it was the opinion of the University Court such regulations could be made as were necessary for the admission of these ladies as students.”

The University Council also concurred. The sanction of the Chancellor was given, and that was not merely the sanction of the Chancellor of the University, but of the highest legal authority in Scotland. It had also the sanction of the Lord Rector of the day, Lord Moncreiff, and by the unanimous act and consent of the University those regulations were made. They were clear, and provided that women should be admitted as students of medicine; that they were to be taught in separate classes, and one of the regulations was this—

“All women who attended such classes should be subject to all the regulations as there were, or would be at any future time, in force in the University as to the matriculation of students, their attendance in classes, examinations, or otherwise.”

All went on well for two years. The ladies attended the teaching of the lecturers of the School of Medicine, whose opinion was shown by a memorial signed by all of them in favour of admitting women to graduation. No objection had been raised as to want of proficiency on the part of these ladies, or as to their conduct as students in the University. They were matriculated and recognized as students, and registered as students of medicine by the general Medical Council, and all went well for some time, but after they had passed through half of their course, a change came over the mind of the authorities of the University, or probably it was not so much a change of opinion in individuals as that those who had been in the minority previously had become the majority. But whatever might have been the reason, a cold shoulder was now shown to these ardent students of learning, and when they had got half-way through their course of studies, they were told that the Professors of Medicine, in the Medical Faculty who were to have taught them, were unable, for various reasons, to give them separate classes. That difficulty, however, was not an insurmountable one. It might have been got over in two ways; either substitutes

might have been found or assistant Professors engaged in lieu of those who were unable to give separate classes. The ladies and their friends were prepared to guarantee whatever funds or fees might be necessary, and considering the small number of female students, some amount of guarantee might have been necessary. Or another course might have been adopted. The University Court had the legal power, if it chose, of relaxing the restriction which required the lectures to be given in the University, and might, as an exception or temporary arrangement, have allowed extra academical lectures to count in lieu of the usual academical lectures. If there had been a desire to get over the difficulty, that difficulty did not seem a very formidable one; but, on the contrary, indications appeared in the *Senatus* that objections would be raised to the graduation. The University Court did nothing to relieve the difficulty, and the only course which remained for these female students, was to take legal proceedings, in order to get their position established, and to obtain those rights which they claimed, and which were generally considered to have been granted. The suit was decided by the Lord Ordinary in their favour, and it appeared by the judgment that the University was bound to act upon that, which had been understood to be an agreement between itself and the students, and proceed to complete the course of their education. But, on appeal, that judgment was reversed. It was reversed by a small majority, and he might observe that in the minority were the Judges of the highest standing. The judgment went to the effect that the University Court, in passing those resolutions which enabled female students to commence their career in the University, had gone beyond its powers. Therefore matters came to a dead-lock. The interpretation put upon the statute by which powers were given to the Scotch Universities was the point upon which the question of illegality turned, and it appeared by the judgment that the University Court could no longer include among the “internal improvements” the admission of women as well as men, although the Act did not contain any distinct enactment upon the subject—the inference was drawn from other circumstances that the statute should be

read in that way. Now, when that Act was passed, no question was raised in the House as to whether women would be admitted as well as men to the benefits of the University. Such an idea was not then brought before the public. No one foresaw at that time that women would desire, or would present themselves to receive the education of the University. Consequently, in passing that Act, there was no deliberate intention to exclude women. On the contrary, there was every reason to suppose that if the promoters of that Act had been called upon to decide whether women should receive the benefits of this education as well as men, there could be little doubt from the character of those who promoted the Bill, and the view which on similar questions had been taken by Parliament, that it would have been made clear in the Act, that the ordinary interpretation clauses which regulated the statute at the present day would have been adopted, and the words used in the masculine gender would have included the feminine. The practice in legislation was against making an invidious exception against women. They desired that law should be as equal as possible, and he was confident that that House would not have deliberately said that the great advantage of University education should be enjoyed exclusively by one sex; that the whole of the benefits of the Universities should be enjoyed by men. Still, whatever might be the opinion of the people who passed that Act, he ventured to think that that House, if the subject had been brought formally before it—and he was very sorry that circumstances had prevented his Bill from reaching that stage at which the House could have decided—the decision of the House would not be that the exclusive principle was the best, but that so far as principle was concerned they should throw open as widely as possible these educational institutions to women. Certainly the case of hardship to these young women he had mentioned was very great. Lord Moncreiff, as one the Lords of Session, had stated that the regulations which were passed for the admission of women students did imply that they were also to receive graduations; and that was not merely the opinion of a great legal authority, but of one who was a party to the framing of the regulations, being in the

University Court at the time in the position of Lord Rector. He stated, that in his opinion, these regulations had no object and no meaning as regarded these women who intended to follow medicine as a profession, than to enable them to qualify for graduation. On the face of these regulations these ladies had entered on the course of study prescribed, and had incurred the expense of going through a considerable portion of the curriculum, and to deny them the degree which was essential to their entering into the profession was in his opinion entirely unjust and unwarrantable. He really was surprised that those who represented the University, or who had petitioned in its name, should have found so much objection to the Bill which he had laid upon the Table of the House to give to the University the power which the decision of the Court of Session took from them. The Petition which was presented by the Senatus of the University of Edinburgh showed certainly a good deal of difficulty in finding reasons for objecting to such an alteration or amendment of the law. Most corporations, as well as individuals, were not averse to having additional power given them, particularly powers which they previously believed they had, and which they had proceeded to exercise. Persons who were conscious of rectitude of intention, and a desire to do good, were anxious to have as much authority given to them as they thought they could turn to a useful account; but the Senatus of the University of Edinburgh objected to an increase of their powers. They stated that the course they would pursue would incur odium and revive acrimony. They had more reason to fear the cogency of the arguments they would have to meet, and the prospect that responsibility might convert the minority into a majority. It had never been proposed in the slightest degree to interfere with the discretion which the University authorities ought to have. It was not proposed to control them in the slightest degree. It was not proposed to coerce them in any form or shape whatever. They simply proposed to give them that legal power which they themselves had believed they possessed. It was only proposed to give them the power of making such arrangements and such regulations as they might wish to make; and he certainly

was surprised to find that they did not accept that power, which would have been more dignified in them, and more in accordance with the high position they held and had accepted voluntarily. And he should have thought that to high-minded men it would have been a relief to feel that the Legislature would take them out of the false position of having inflicted an injustice on women actuated by the honourable ambition of earning their livelihood by a useful profession, and would relieve them from the charge of breaking faith with those students who had entered their College on the understanding that they were to be allowed to complete their education and become eligible for degrees. Further than that, even if the authorities of the University of Edinburgh did not choose and did not intend to make use of it, still that was no reason why they should endeavour to prevent other Universities from obtaining these powers—Universities which might be more willing to use them. He saw by the Petitions signed by the majority of the Professors of St. Andrews that they on behalf of the University desired that such a legal power should be given. They must feel that whatever the difficulties were which had interfered with the development of this scheme in Edinburgh, those difficulties did not exist in St. Andrews. The arrangement would not be difficult by which a more complete teaching in the Medical Faculty could be established in St. Andrews; and that would most appropriately become a place where such women as wished to pursue their studies with a view to entering the profession could do so without objection. He thought it likely in the present state of opinion that such a law would not be used in Edinburgh immediately. The objection, it appeared, was very strong in the medical profession in Edinburgh against the possibility of competition from female doctors. It was not universal, because he observed in a Petition presented to the House of Lords by medical Professors of the University, 12 had signed in favour of admitting women to receiving degrees, and one of them was a Professor, well known for the high position which he held. He also saw that lecturers in the School of Medicine to the number of eight had signed a memorial in favour of that being conceded to ladies, and

those gentlemen had much authority and weight on the subject, because they were the persons who had themselves taught the ladies during the two previous years. What he desired had been simply this—an affirmation of the principle that it was legal for a University, if it pleased, to give degrees to women. He did not want to enter into any of the details which might be left to the Universities. He saw by a Notice on the Paper that it was thought desirable that some inquiry should precede the making of that legal enactment. Now, he thought that though inquiries might be very useful, they ought to come after the principle had been determined and not before it, because the inquiry would be chiefly useful in regulating the details of study. The inquiry, for instance, would settle the arrangements of classes and the question of the age at which ladies should be admitted. Probably the age at which they should commence those studies which might tax their strength and strain their faculties should be later than in the case of men, and it might be found that 20 should be the minimum at which they should be admitted. Still, in whatever direction these inquiries should go, the regulations ought to be made in the Universities themselves, and should be influenced by circumstances and by the views of those Universities, and not be subject to the opinion of a general Commission. No doubt, it would be well if it were possible that every regulation on the subject should not confine itself to one University, but should be more general. The Parliament which gave the University the power of making "improvements" should declare what was meant by the term, and whether it did or did not extend to the admission of female students. They had gone upon the principle in later charters, certainly in later statutes, of saying that there should be no exclusion; that all classes and all denominations should be free to avail themselves of the advantages of the University; and it was then for Parliament to declare whether it would make an exclusion of one particular class, and that particular class—women. There might be some difficulties in the course he advocated, but these difficulties might easily be surmounted. They had not prevented many foreign Universities from admitting students of the female sex,

and giving degrees to women as well as to men. The question of higher education for women had many ramifications, and so far as any matter relating to education was of national concern, it certainly might be said to have that national effect. It must indeed affect the industry of the country. It appeared from the Returns of the Registrar General that there were 3,000,000 of women earning their bread by manual labour of different sorts. There must be a very much larger number of women of the middle classes who were also obliged to labour for their living, and a much larger number would be able to find profitable industrial employment, if their education were not so deficient.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present:

Mr. COWPER-TEMPLE resumed: In America and in Germany book-keeping and accounts were largely allotted to women. The wives and daughters of the tradesmen discharged those duties satisfactorily; but in this country, their deficiency of knowledge of arithmetic was a great bar to the employment of women in that capacity. A large number of women were driven to seek employment as governesses, with culture and acquirements of a very superficial character. There was one profession which women were now endeavouring to learn, and it was that profession for which they were by nature most peculiarly suited. A woman was in her best position by the side of the sick bed or in the hospital, and those whom nature had prepared to be nurses, art could easily make into doctors. A Petition had been presented to that House signed by above 16,000 women, declaring that they desired the opportunity of consulting good medical advisers or properly qualified persons of their own sex, and that they thought it a hardship that the laws of this country should lead to regulations that prevented any woman adopting medicine as a profession. He knew that there was a considerable objection to this in the medical profession as represented in the Universities; but he had observed that in cases of alterations or innovations proposed to be made in professions, whether military, naval, or legal, the public could not submit to professional opinion. The members of a profession

were often unable to consider without bias innovations relating to themselves; and much as he respected the medical profession, he would still say that Parliament ought not to give undue attention to objections which they might raise in matters relating particularly to their own profession. Let them rather look to the needs and desire of the public at large, and they would see that female medical practitioners in London and Birmingham had met the wants of numerous patients. He had no doubt that each University was amply able to make such regulations as they might think advisable to prevent any abuse or any disadvantage accruing to it. He would not interfere with those domains which properly belonged to the Universities. They were there to declare that in those Universities in the North of this Island where a statute had passed giving authority to regulate the admission of students, there should be no exclusion, but that all of whatever sex might be admitted according to such regulations as the University might make. The laws of nature had established essential and eternal differences between man and woman, differences not to be obliterated by similarity of instruction, but had not made women unfit or unwilling to take a share with men in higher education. There was no division corresponding to that of sex in the range of human knowledge, which, whether acquired by man or woman, must consist of the same facts, the same laws of nature, the same science, and the same literature. There was no natural law, and there ought to be no human law, to banish women from the paradise of knowledge or from the cultivated exercise of their mental faculties. It must be a national loss if women were prevented from bringing their quota of mental activity to the general store of national wealth, and there could be no sound policy, from a national point of view, in discouraging the desire for education on the part of women; or in preventing that spirit of mental activity which was beginning to be manifested. He did hope, therefore, that the Government might take this matter into their consideration. It was a matter which it behoved the Government to undertake. They perceived the great hardship inflicted, he might say, the great scandal perpetrated, in con-

Mr. Cowper-Temple

section with the University of Edinburgh. He meant that the University, believing that it had legal powers, had invited into its halls students whom it had afterwards to reject because it discovered that it had not the powers which it believed it had. There ought to be a University in which degrees could be given to women, and by which they could be admitted into the medical profession. There were 19 different avenues to the medical profession, and yet every one of them was closed against women. A large portion of the public were really desirous that properly qualified women should be able to practise medicine, and yet, if women desired at present to obtain degrees, they must go across the Channel to France, or to America, anywhere rather than to their own land, because England was the only one of the chief countries in Europe where it was impossible for them to obtain these degrees. If they might take the estimation in which women were held; if they might take the position of women as a test of the civilization of a country, then he was sorry to say that England did not stand high in that respect in comparison with other countries, and he hoped the day was not distant when that reproach might be removed from our country, and this grievance which he had attempted to explain might be relieved. [The right hon. Gentleman was precluded by the forms of the House from moving his Resolution.]

SIR WYNDHAM ANSTRUTHER said, he had given Notice to move, as an Amendment, to leave out from the word "experience" to the end of the Question, in order to add the words—

"That no such change should be made in the constitution and practice of the Universities of Scotland as would be involved in the admission and education of female students therein, until after further inquiry."

He understood that by the forms of the House he could not move the Amendment; but he would say that if any change were to be made in the system now existing in the University of Edinburgh, that change ought to extend to all the Universities of the United Kingdom. He did not think it fair to the Universities of Scotland, that the experiment of admitting women to graduate in their Universities should be restricted to them. The Resolution of the right hon. Gentleman was nothing more nor

less than an attack on the Edinburgh University. Legal disabilities always existed in that University against the admission of women, and these disabilities had existed in the Universities of Scotland ever since their foundation.

DR. C. CAMERON said, the hon. Gentleman who spoke last said that the Motion of the right hon. Member for South Hants was an attack on the University of Edinburgh. If it had been considered so, it struck him it was because that University deserved to be attacked for the very scandalous manner in which it had behaved to the female medical students. It admitted them and allowed them to spend their time and money, and then, because it had changed its mind, prevented their availing themselves of the *status* which it had allowed them to acquire at much expenditure of trouble and labour, and obliged them to seek redress in a Court of Law. He contended it was most unfair for the University to allow these ladies to spend their time and money in a vain attempt to become medical practitioners, and then, after getting rid of them on the ground that their admission had from the first been illegal, to object to permissive powers being granted to themselves which would enable them, if they chose, to remedy the wrong that had been done. It seemed to him that there was one point connected with this matter which it was very desirable to draw attention to. The State had granted to a certain number of bodies throughout the country the monopoly of conferring degrees, which carried with them the civil right of practising medicine. In granting that monopoly to those bodies, it had taken care that all that those bodies should be entitled to demand was, that applicants for degrees should undergo a certain prescribed course of study, and that they should pass certain examinations intended to test their knowledge of their profession. It had taken care that the holding of heterodox opinions in medicine should be no bar to the acquisition of degrees which conferred the right to practise medicine; that the homeopath or the hydropath should equally with the allopath be entitled to degrees. The law presented no disqualification against women becoming medical practitioners, or being placed on the medical registers, and in that manner they became legally qualified

medical practitioners. Under these circumstances, he thought that not only had the State the right to say that it was desirable the Universities should be in a position to grant these degrees if they chose to do so, but it had a right to say that if they did not grant such degrees to every person not incapacitated by law, including women, they should as licensed bodies suffer the same penalties they would incur if they endeavoured to exclude persons from exercising their civil right of practising medicine in consequence of their holding what might be considered heretical opinions. But the Resolution before the House did not go so far as that. It simply said that as the University of Edinburgh had encouraged these ladies to enter into its doors as students of medicine, it was expedient that legal powers should be given to the Universities of Scotland to make such regulations as they thought fit for the admission and complete education of female students. Having admitted them, the University of Edinburgh was bound to carry out its obligations, and if it did not care to do so, if it chose to incur the odium of refusing to avail itself of the power proposed to be conferred by the right hon. Gentleman, why then its character would be so much the worse. But beyond that there was nothing. He had read the Petitions alluded to by the right hon. Gentleman carefully, and more miserable specimens of the want of all reasoning he never met with. The Petition of the *Senatus Academicus* of the University of Edinburgh was signed by 12 out of 30 Professors at a time when only 4 out of the 18 or 20 Professors known to be in favour of the Bill were not present. It was urged that the provisions of the Bill were vague and general, and that they failed to take into account the legal difficulties likely to arise. He asked why this consideration had not been taken into account when ladies had been allowed to spend their time and money in the attempt to fit themselves for the duties of medical practitioners, and why the University objected to obtain permissive powers when the battle had been half fought? He objected to the proposition for a Royal Commission, simply because a number of ladies had already gone into preliminary training, and their course of studies had been

brought to a dead-lock. The time which would be absorbed in the inquiries of the Commission would to these ladies be a further loss and injury. He denied that the medical profession was averse to the admission of female practitioners. The Petitions which were brought forward against the Bill were to his mind the most convincing arguments in its favour. Why, he asked, should anyone petition against a permissive power if it was not likely that that permissive power would be used? He believed that the University of St. Andrews was not unwilling, if permissive power were conferred on it, to grant degrees to women. He believed that the opposition to the Motion was not an opposition arising from any apprehended evil results to Edinburgh University or Glasgow University, but from a jealousy lest any other University should avail itself of powers which these sister Universities did not like. He saw a Petition from the Principal of Glasgow University against the Bill. That Petition was signed by the Principal in the name of the University; but the Principal's name was appended to a Petition in favour of the Bill, which had been sent in his non-official capacity. On the back of the Bill he found the name of the hon. Member for Dumbarton, the Dean of Faculties of Glasgow University; and the mover of the resolution at the University Court, which was one of the preliminary steps for the admission of ladies into the Edinburgh University, was none other than the right hon. and learned Gentleman the Lord Advocate of Scotland. It could not be said that those ladies went into the matter without every encouragement. But it had been objected that the Resolution should not have been made to apply to Scotch Universities alone, and that it was an attempt at the expression of an exceptional opinion with regard to them. Surely the University of Edinburgh had assumed an exceptional position which justified the Resolution. There had been no similar step taken in England or in Ireland; but there was an injustice to be remedied in Scotland, and, therefore, it was proper that that injustice should be remedied.

MR. LYON PLAYFAIR: If the House looks carefully at the terms of the Motion of my right hon. Friend (Mr. Cowper-Temple), it will be clear that he begins with a particular griev-

ance experienced by a few ladies who desired to graduate in medicine at the University of Edinburgh, and that he concludes by a general affirmation of the House that legal powers should be given to the Universities of Scotland to educate and graduate all women, not in Medicine only, but in all the faculties—Arts, Law, Divinity, and Medicine. I only desire at present that the House should fully understand the issue upon which they are called to vote. They are not asked by this Resolution merely to affirm that a general University education is desirable for women, but that the Universities of Scotland be empowered to train them for all the learned professions. That is a large issue to raise upon a particular grievance, but that is the object of my right hon. Friend. When he first showed me the draft of a Bill which he proposed to introduce on the subject, it was applicable to all the Universities in the United Kingdom, and contained that broad claim. When I saw the Bill in print, it had become narrowed to the Scotch Universities, which were to be made the *corpus vile* for the great experiment; but the experiment was to be at the option of a Select Committee of half-a-dozen gentlemen called the University Court, who might or might not subject the whole body of their University to the crucial experiment, while this House, whose object is to legislate, was relieved from its duty, which they would have cast upon a Select University Committee, though not selected for that purpose. I asked my right hon. Friend to give the Universities of Scotland a fortnight to consider this grave proposal before he pressed his Bill, and I see that that reasonable request upon my part is construed into a Machiavellian scheme to defeat the Bill of my right hon. Friend in an un-Parliamentary manner. The Motion now before us asks us to pledge ourselves that legal powers should be given to the Universities of Scotland to open up all their educational resources to female students. Why limit the powers to the Universities of Scotland? If it be right that we should give legal powers to them, it is equally right that such powers should also be given to the Universities of England and Ireland. The constituted authorities of the Scotch Universities have not petitioned you to grant them

these privileges. Neither the University Court, the Senatus Academicus, nor the General Council—the three constituted bodies—has asked us to give further powers for that purpose. It is true that eight out of the 14 Professors of St. Andrews have petitioned in favour of the Resolution; but they, in the whole body of the University Council, are only eight out of 1,200 members. In Edinburgh, 12 out of the 35 Professors have petitioned; but the body of its members of Council is upwards of 3,600. As Professors, their evidence is valuable, as an indication that they are prepared to teach; but beyond that, their voices in favour of or against the proposal are no greater or less than those of an equal number of the members of the University. The opinion of that large body, so far as I am aware, has never found expression. Suppose you pass the Resolution, what would be the result? You must be prepared to follow it up by a humble Address to Her Majesty, praying that new charters be given to the four Universities. They cannot admit women to the full privileges of the Universities, under the present charters, and you are not accustomed by statute to over-ride the fundamental constitution of Universities; but even if you did so, you would not be one step nearer the attainment of the end. The Scotch Universities are poor, and have not the means at their disposal of trying large experiments. Let us confine our attention at present to the first part of my right hon. Friend's Resolution—the case of female medical students. In Scotland, as elsewhere in the country, there is a strong repugnance to mixed classes of male and female medical students. It is thought that such subjects as anatomy, physiology, and midwifery cannot well be taught to mixed classes of young men and young women. Therefore, by common consent, the classes hitherto attempted have been separate. The whole organization of our Universities up to this moment has been for male students, and all their resources are adapted to this purpose. In Edinburgh, for instance, we have a prosperous medical school—much the largest in the Kingdom. We cannot suddenly fit that organization for female students in separate classes, without a large augmentation of the resources of the Uni-

versity. The present Professors, having classes of 100 and 200 male students, who require full attention, cannot divert a moiety of that to a new class of female students. The result would be, that the educational resources of the Medical Faculty would be rendered unproductive both to the males and females. The advocates of the Resolution know that, and argue that female medical students may be taught by extra academical teachers outside the walls of the University. But although Edinburgh allows a certain number of subjects to be taken at other Universities, and a limited number at recognized medical schools, still the fundamental principle of its constitution is, that the University is a teaching, and not a graduating body. The University cannot delegate all its teaching functions to external teachers, more than it could delegate its graduating functions to non-academical examiners. To show that the University is chiefly frequented for its teaching instead of for its graduation, I may mention that of all its medical students, only 48 per cent graduate, the others being content with lower medical qualifications than the University degrees. Take it in another way. The University allows two of the four years for study, to be taken at courses of lectures outside the walls of the University. Of the 246 graduates of the last three years, only five have availed themselves of this privilege of two years, and seven have taken one year outside. It is clear, then, that to educate women outside the University would not give them academical advantages. To admit that female students should be educated anywhere and then graduate within the University, would be subversive of its constitution; for if you gave this liberty to females, you must extend it to males, and the Edinburgh University teaching system would become the London University graduating system, which would be an entire change in its constitution. And such a system would be particularly injurious to Scotland, where there is no resident collegiate system. Our students when they come up to our Universities from country parishes, are often raw enough as it is, but what they would turn out under a mere graduating system, without collegiate training, I can only speculate. If the House follow up the Resolution

by enacting that Scotch Universities may or shall open themselves to female students, it must either subvert their present constitution, or largely augment their educational resources. I am sure it will take the latter and not the former alternative; but it must be prepared to do so. If the experiment were made upon Oxford, Cambridge, or Trinity College, Dublin, we might reasonably expect from their large resources, that they should find funds for the trial of this great experiment in female education. But, when the poverty of the Scotch Universities necessitates that we should aid them by a small annual Vote of £18,000, how can we expect, without a large augmentation of that vote, that they, instead of the rich Universities of England and Ireland, should be enabled to try the important experiment of whether the institutions which have been organized for and adapted to men may be made suitable for women. I am desirous, if possible, to avoid the irritating aspect of the question before us. Certain ladies were grievously disappointed because, having by uncommon perseverance succeeded in placing themselves on the matriculation roll of Edinburgh University, they did not succeed in completing their education. From what I have said the reason is obvious. They came in as an experiment, and that experiment failed. They ascertained two facts, with great hardship to themselves—first that the educational resources of the University were inadequate to educate female students, and second that the legal powers of the University were insufficient to crown that education by graduation, if the resources had been sufficient. The hardship to the ladies who made the experiment was great; but its failure cannot justify legislation for this particular case, without full consideration of its relations to the general questions involved in it. The Resolution will not help on the desired reform by a single step, unless the House is prepared to follow it up much further, by adapting all the Universities of the Kingdom, both as to their constitution and resources, for this great development of their educational functions. I do not think that Government could take up a higher or a nobler work than that of opening up our schools and Universities to women. But when they engage in this work, it must not be ap-

Mr. Lyon Playfair

proached in the spirit of the Resolution. They must make ample provisions for the work being performed; for it is clear that institutions limited to one half of the human race, cannot adapt themselves to the other half without much preparation and organization. It may be that the Universities, which by long experience have been adapted to men, may not in their present form be fitted for women. There is, at least, sufficient doubt on the subject to make us cautious in legislation. So far as American experience of mixed Colleges has gone, it appears, on the ground of intellectual teaching and morality, that the fitness of both sexes is the same—but on the ground of health, it is still doubtful whether women can bear the strain of University studies. This subject is being fully discussed at present by American medical men, and is exciting keen interest in this country. I do not attach much force to the objection, because I think it could be obviated by a postponement of the age at which female students might be matriculated. But I do not think it improbable that a different course of studies ought to be followed for male and female students. We ought to give the women of this country a higher and nobler education, instead of the narrow and trivial education which they now receive. But if our Universities were thrown open tomorrow to women, are there half-a-dozen in any University town who by their school training could follow the course necessary for one of our degrees? The degrees in Arts, Law, Divinity, or for Doctor of Medicine, all involve a knowledge of Greek. I know of only two small schools in which that is given as a subject of female education. That which I have given as an illustration in regard to Greek holds also, in a less degree, as to other fundamental studies, such as Latin and mathematics. Therefore you must make female degrees lower than male degrees—that is, you must fundamentally change the educational requirements of graduation, or you must revolutionize the preparatory schools of the country in regard to female education. The latter course is devoutly to be wished; but it will not be attained by the Resolution. Whenever the Legislature undertakes to discuss this question with a serious intention of action, I will range myself on

the side of those who desire to open up our schools and colleges to women on conditions suitable to the sex. But I cannot support the Resolution, because, were it passed, it would disturb everything and settle nothing, and because, in the present condition of our Universities, new hopes would be raised which could only result in fresh and bitter disappointments.

Mr. STANSFELD believed he was only following recent precedent in rising immediately after his right hon. Friend to state why he took a somewhat different view from him on the subject before the House. His right hon. Friend who on the present occasion, at least, was rather illogical in his conclusions, contended that the adoption of the Resolution would be of no avail, unless the House were prepared to extend to the Universities of Scotland, or some one of them, the means necessary to carry it into effect. His answer to that statement was to entreat the House and the Government to take the earliest opportunity of dealing generously and liberally with the question of the education of women. There were two questions involved in this subject which the House might fairly consider and decide—a question of public policy, and a question of private grievance. There was a question of principle involved, as to whether women ought to have the desired facilities for obtaining a University education, and that was obviously a matter for the consideration and decision of Parliament. Then, there was the question whether, in their conditions and circumstances, the Universities could offer those facilities to women who might apply for them, and that was clearly a matter for the consideration and decision of the local authorities. He entirely concurred with the opinion expressed, that great difficulties existed; but they were of a character which the authorities of the Universities might themselves remove. What was the history of the movement? In 1869 a number of ladies applied to the University of Edinburgh for medical matriculation and their application was promptly acceded to by the University authorities. Difficulties, however, subsequently arose, and the authorities took shelter in the meshes of the law. The ladies applied to the Law Courts and the Judges by a bare majority decided that the University had

not power to receive lady students. The University should then have applied to Parliament to amend the law; but instead of that, when a Bill was introduced by his right hon. Friend, the first Petition against it came from the University of Edinburgh. It had been said that the question of the education of women in the Universities should be relegated to the local authorities, and was not worthy the consideration of Parliament. He was entirely opposed to that opinion. The mode in which the education should be given was a minor one, and one to be decided by the local authorities, and the question whether facilities ought to be afforded to women ought not to be left to them; but the House would not err in enabling the Scotch Universities to carry out what the Edinburgh University proposed to do, and if it was retarded for the want of additional funds, he had no hesitation in saying that no expenditure of public money could be more useful or creditable to the Government than voting, for the first time in its history, the means for opening University education and the medical career to its female population. The House having decided to supply the means for affording additional facilities for the education of women, the question as to the fitness of the Universities to supply it, might very safely be left to the Universities to work out. An hon. Baronet on the opposite benches (Sir Wyndham Anstruther) had recommended the appointment of a Commission to inquire into the general question of the disabilities of women with respect to education, but for his own part he trusted that neither the House nor the Government would lend itself to such a proposal. Royal Commissions were too often the refuge of the destitute in opinion. The question whether women ought to have those educational advantages afforded them was one for discussion in that House and for the decision of Parliament. Hon. Members did not want any Commission at all to tell them how to vote on that question of principle. If it was decided in their favour, there was at least one University in Scotland which would give women the advantages of a good, general, higher education, and especially a medical education. The House had to consider not only as to what was right in principle, but also as to what was fitting in point

Mr. Stansfeld

of time and the demands of public opinion. He thought that the numerous Petitions which had been presented, and the general movement out-of-doors on the subject, showed that a demand had arisen for the admission of women into the Universities, which, sooner or later—and the sooner the better—they would be obliged to concede. The success of the Cambridge University examinations, and the large proportion of female students who presented themselves and who were successful, was an encouragement to extend the system, and to give women the advantage of a liberal education. Why should that not be done in the Universities which was the rule in all out-door lectures on scientific or other subjects where men and women assembled together? During the last seven years the tickets for ladies attending the classes of the Edinburgh Ladies' Educational Association had varied from 277 to 313, and the classes for ladies in addition to the mixed classes were also largely attended. In face of such facts and in face of the demand on the part of the ladies themselves, it behoved Parliament to be very careful in barring the doors against young women who desired to enter into an educated profession, by artificial, unnecessary, and unjustifiable restrictions. There was no restriction placed by the Common Law upon women entering into trade; they were only excluded from the professions; and those who were afraid that there would be an "ugly rush" to the professions if they were thrown open showed very little reliance upon those disqualifications of nature and sex on the part of women on which they professed to found their objections to remove their disabilities. He could conceive of no reason why ladies should be debarred from entering the medical profession. The same qualities which made the best nurses would, by proper education, qualify them specially to act as physicians in all ailments affecting women and children. Apart from the private advantages which would arise to individuals, the public interest would be largely promoted by such a change of our present system, and he heartily supported the Motion of his right hon. Friend.

MR. BERESFORD HOPE said, that that question was brought before the House in a particularly inconvenient

form. It was not one question, but two distinct questions. On the one hand, it was put as a breach of contract between certain excellent high-spirited ladies and the University of Edinburgh. That was the question raised by the right hon. Member for South Hants (Mr. Cowper-Temple), but all the speakers who succeeded him on the other side of the House, with those fraternal differences natural to the Opposition front Bench, superadded a subject of discussion not upon the Notice Paper—the educational equality, or the reverse of women and men. The right hon. Gentleman who spoke last raised another interesting and important question—the value of Royal Commissions. He said that they were “the refuge of the destitute” for those who had no case and no argument. When he heard a right hon. Gentleman who for five years had been in that Cabinet of all the Talents, which stirred all things in heaven and earth, and which above all things had rejoiced in Royal Commissions, say that Royal Commissions were only “a refuge for the destitute” he was bound to accept that description of them. He (Mr. Beresford Hope) now came to the women. He claimed for himself, and for any other man in the House who was opposed to so-called “women’s rights,” to be as earnest advocates as any in the world for the solid and more complete education of women as any enthusiast who claimed for them graduation in Medicine, Law, or what not. That demand had nothing to do with the question whether men and women were better or worse than each other. That was a question not upon the Paper, but it had been raised. The answer was another question. “Are the two sexes the same, or are they different?” The right hon. Gentleman must take the whole of the consequences of his argument. It was no more derogatory for women to be excluded from the Universities than for young men to be excluded from a finishing academy for young ladies where the drawing might be exquisite, the music sublime, and the dancing ethereal. If women were admitted to the Universities on the same terms as men—that meant Scholarships, Fellowships, Masterships, Professorships—it was impossible to escape from the logic of this *sequitur*. If there were “sweet girl graduates,” there must also be “prudes for proctors.” This might

possibly do for Edinburgh, but he should be surprised to see Trinity or St. John’s ruled by a mistress instead of a Master. [An Hon. MEMBER: Why not?] Why not? The hon. Member who kindly interrupted him had made his argument for him. For his part he would not care if the opposite Bench from which the interruption came were filled with old women, or if the great Liberal party were led by one of those most respectable members of society. The hon. Gentleman’s interruption had really brought the matter to a definite issue. There were things beyond the power of Parliaments or even of Motions on going into Committee of Supply, and amongst them were the correlative position and duties of men and women. He protested accordingly against our old Universities being revolutionized in behalf of so doubtful an experiment as that which underlay the Motion of the right hon. Member for South Hants. The local examinations for women, supplemented by the so-called “University Extension,” established to its great honour by the University which he had the honour to represent, was an admirable movement well carried out; but its merit consisted in the fact, that the encouragement it gave to female study was so arranged that it lay outside the University itself. A University was not a mere examination hall or lecture room, as the right hon. Member for Halifax seemed to think. If it were, the case would be different. No; a University was a home for students—a school for discipline—an *Alma Mater*—training youths from point to point, from object to object, and thus leading up to a complete education—the training morally as well as intellectually of each individual. Let those who wanted this sort of training for women found a University for women, conducted by women, devoted to the objects and duties in life which belonged to women. That would be a noble work; but let its founder leave to the men their Universities. The right hon. Member for Halifax said that because women were such admirable nurses he would make them physicians. He (Mr. Beresford Hope) would therefore let them remain nurses. God and nature had fitted them for it. A good nurse needed clear and definite medical principles. It was very well, then, that women should have their medical education, but let its

end be the diploma of nurse, and not of surgeon. God sent women to be ministering angels, to smooth the pillow, minister the palliative, whisper words of heavenly comfort to the tossing sufferer. Let that continue woman's work. Leave the physician's function, the scientific lore, the iron wrist and iron will to men. In behalf of woman's genuine dignity he protested against the crude fantastic theories of those who would merely bring down and pervert women into feeble and deteriorated men.

MR. WATKIN WILLIAMS regretted the right hon. Gentleman was prevented by the Forms of the House from putting the Question, for if he had done so, he (Mr. Williams) should have had great pleasure in going into the same Lobby with him, inasmuch as he himself, when studying medicine, had been among the first to advocate the medical education of women. The hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope) wished to confine women to the occupation of nurses. The Resolution did not propose to in any way fetter the action of the Universities; but merely to enable them to make arrangements for giving medical instruction to women, should they desire it, and he could see no reason why the power should not be granted. He believed that a large number of the rank and file of the medical profession looked with intense jealousy to the higher education of women in medicine.

SIR EDWARD COLEBROOKE thought, from the speeches of the two preceding speakers, that the real question they had now to consider was, not merely whether the House should press the Scotch Universities to make regulations for the teaching of women, but whether it should go a step further, and make an appeal to the Government to grant the money to enable those Universities to carry out the objects of that Motion. Before hastily adopting that course, they ought to inquire whether the same ends might not be attained by simpler means. There were in existence different licensing bodies, through whom medical degrees for women might be obtained—a method for trying the proposed experiment which he should prefer to the costly one of equipping the Scotch Universities with all the appliances for educating women. The University of London was different from the Scotch

Universities, not being a teaching body, but a body for conferring degrees both in Arts and in Medicine, and having Colleges and schools affiliated to it throughout the country. He would suggest, then, that women who desired to possess medical degrees should pursue their medical studies at some affiliated College, and proceed thence to their degree. If, however, they were willing to meet the difficulty by granting sums of money to the Universities, he, for one, would not stand in the way.

SIR WILLIAM STIRLING-MAXWELL believed the House and the country were much indebted to his right hon. Friend (Mr. Cowper-Temple) for bringing the question forward. The right hon. Member for Halifax (Mr. Stansfeld) had accused the University Court at Edinburgh of breach of contract; but, in reality, it could be blamed for nothing more than having mistaken the extent of its powers. A certain number of ladies, who were described as very high-spirited and ardent, desired to enter that University as medical students, and at last by their importunity they almost compelled the Court to receive them. The Court, however, entered into no contract, except to give them such teaching as the University afforded. There was not a word said about graduation. Both those who wished to admit the ladies, and those who wished to keep them out, by a curious coincidence, were entirely silent as to the important point of graduation; but afterwards questions arose which caused the matter to be decided. It was taken before the legal tribunals of the country, and the result was adverse to the ladies. He thought that had the University authorities of the day foreseen what would have happened, they would not have allowed the ladies to enter at all. The only blame that could be attached to them was that they yielded to importunity, and miscalculated the extent of their own powers. To take a recent example in politics; he did not think they could fairly accuse the Members of the late Government who appealed to the country at the last General Election with a breach of contract, because they were unable to carry out all those promises made by themselves or on their behalf. The immediate question which brought on that discussion was, that a considerable number

Mr. Beresford Hope

of ladies desired to enter the medical profession. It had been shown by the success which had attended some ladies who had already entered that profession, that the people appreciated their services, and he was therefore of opinion that it would be the duty of the Government and of Parliament, at the fitting moment, to consider the proper way of facilitating female medical education. But, because a small number of ladies had desired to enter the medical profession, it was hardly reasonable to propose that all the Universities of Scotland should be empowered to grant degrees in other faculties in which the ladies had never asked for them. Of the four Universities upon which it was proposed by the Resolution to confer those powers, he believed that three—speaking through their constituted authorities—had expressed their unwillingness to accept them. The University of St. Andrews, he was told, had manifested some willingness to accept the powers; but, even upon this, some doubt had been cast by his right hon. Friend the Member for the University of Edinburgh. However this might be, he must ask the House to look at what had happened in the University of Edinburgh itself, where the trial was made. Of the 12 Professors who formed the Medical Faculty in that University, three only were willing to undertake the duty of teaching the female medical students. Of these three gentlemen, one found that the time which he had been wont to devote to private research was so entirely absorbed by his new duties, that he was obliged to withdraw from them. Another found that the exertion required was so great that his health suffered, and his family compelled him also to withdraw. The third gentleman, more enthusiastic perhaps than his colleagues, continued his duties until his health broke down so entirely that he was obliged to seek restoration in the South of Europe; and for two sessions his class had been taught by a substitute. Now, the experience of these three learned gentlemen was not such as to induce other Professors to undertake the duties. In fact, they could not have female classes in the Scotch Universities without almost doubling the medical Professorial staff. How was that to be accomplished? It could not be done by the Universities themselves, because

they had no resources available for so costly a purpose. It could only be done by the aid of Parliament and the Government. He would, therefore, personally urge upon the Government and the Lord Advocate that the question should be taken up, and that by a Royal Commission, by examination, or in such other way as might seem to them more appropriate, they should ascertain the most efficient means of promoting the higher education of women in the Universities of Scotland and generally throughout the Empire.

MR. M'LAREN said, he would like to remove some of the fallacies and erroneous impressions which he found existed in the House. In the first place, the women did not seek for degrees either in Divinity, Law, or Philosophy; and as regarded the remarks made by the right hon. Member for the University of Edinburgh, about the impossibility of getting medical education for a few ladies in that institution, without the expenditure of a large sum of money, and without coming to Parliament for a grant for additional accommodation, he might state that, some time ago, it was found that considerable additional room was required for the medical students, and no sooner were the requirements of the University made known, than £65,000 was subscribed for the additional rooms required, and these would accommodate 50 times the number of ladies that were likely to ask for medical tuition. Another fallacy was that there should be some kind of middle-class schools for bringing up these ladies to a higher standard of general education before they became medical students. No medical student who desired a degree could obtain it without undergoing a preliminary examination in Mathematics, Natural Philosophy, Greek, Latin, and other branches of general culture. On these subjects the ladies had been examined and had passed all that was required just as creditably as the young men. The House ought to bear in mind that there was a great difference between the Scotch and the English Universities. In Edinburgh there was no provision for students sleeping or dining, and the building was simply a large collection of class-rooms, where the students went and got instruction from able Professors. There was not even a chapel attached to the University. The discus-

sion which had taken place had mainly turned upon imaginary difficulties. The right hon. Member for the University of Edinburgh spoke in favour of the principle of promoting female education in medicine, but in opposition to his beloved principle, he brought forward every possible and imaginary difficulty to prevent its being carried into effect. Reference had been made to the attitude of the University; but the opposition did not come from the University proper—from the thousands of graduates who elected the right hon. Gentleman—but from the 40 or 50 Professors who formed the Senatus. There were four Faculties. Divinity, Law, Medicine, and Philosophy, forming the Senatus. Of the Medical Faculty, there was a considerable majority against the admission of ladies; but of the other three, taken together, there was a large majority in their favour. It was, thus, entirely a medical question. Having been sent to Parliament by 11,400 electors, he had had a good opportunity of ascertaining what the opinions of the inhabitants of Edinburgh were on the matter, and especially as the University, unlike those in England, was a cherished child of the people. The University of Edinburgh was not endowed like the English Universities; it was established, supported, and governed by the people of Edinburgh until the last 18 years, when a new constitution was given to it by Parliament. With respect to "town and gown" jealousies, there were not any, for there was not a "gown" to be seen in the University except those of the Professors. If this were a question to be decided by the intelligent inhabitants of Edinburgh, nine-tenths would vote in its favour; and if it were not for the jealousy of a few of the medical Professors there would be no difficulty in effecting a settlement. If two or three of the Professors would only take a voyage round the world, the whole question would be satisfactorily settled before they returned. It had been said that the question might be settled by the ladies getting Universities for themselves. The Bill introduced would, practically, have accomplished this, by opening up to them the University of St. Andrews, which, with the assistance of other Professors and lecturers of ability, whom that University would have called in, would have accomplished this object. The hon.

Mr. M'Laren

Baronet opposite (Sir William Maxwell) said the Professors who had been instructing the ladies in the University of Edinburgh fell ill. Now, he (Mr. M'Laren) had known one of them, and he had been ill some time before he undertook to instruct the ladies; and he did not hesitate to say that instructing the ladies had no more to do with his illness than looking at the moon through a telescope. The ladies were willing to pay for their education, and where the male students paid only three or four guineas, the ladies were willing to pay, and had paid, ten guineas, so that money was no obstacle. There was no difficulty, in fact, except want of will, and that arose from medical prejudice—at least that was the opinion of the great majority of the people in Edinburgh. It had been correctly stated that the lady students were harshly used. He mentioned that fact to show how they had obtained the sympathy of the public. The ladies in leaving the class-rooms were ungallantly pelted with mud by male students, which led one of them to use strong words respecting one of them—an assistant to a distinguished Professor. He raised an action against the lady for defamation, and it was understood that he was encouraged to do so by other parties. He would not say by whom. But the result was that that assistant's grief was assuaged by one farthing damages. The sequel, however, was singularly distressing. According to the practice of the Scotch Courts, even a farthing damages carried costs, which in this case, including both sides, amounted to £800 or £900. A subscription was at once got up to pay the expenses, which showed that the feeling of the City was in behalf of the ladies. In the second action against the University, the ladies again lost, the expenses being £700 or £800, which were also paid by public subscription. He mentioned these facts to show that the City of Edinburgh had no tolerance or sympathy with the bigotry manifested by a small section of the Professors.

Mr. HENLEY said, he thought the question which had been raised did not merely affect the Scotch Universities, but that it had a much larger bearing than was supposed by many hon. Members. Were the Universities to supply medical men for the use of the public, or

were they to exist merely for themselves? He, however, did not think they ought to confine themselves as to how the question might affect medical men. There were three facts, the first of which was, that during the last 30 or 40 years, according to the Census, there had been a steady decrease in the number of medical men in England. A second was, that every effort at the same time had been made, by legislation, induced by medical men and otherwise, to get rid of quacks, and they were as nearly as possible choked out; and the third was, that at the same period, step by step with the decrease of medical men, there had been an increase of the death rate. There was also this other fact, that no man was allowed to die without a doctor to help death to kill him, and if the doctor was not called in, there was a great difficulty in getting the man buried. There was considerable inconvenience in a man being kicked about, and so he took the lesser of two evils. [*Laughter.*] Well, there seemed great difficulty in the matter, and if medical schools could not supply well qualified men, why should they not take ladies? If the smaller number of duly-qualified men could keep that ugly customer, Death, away, there would be no occasion for those who were less qualified to come in and fill the gap. But this was not so. They had the fact, as respected the males—that as they decreased the doctors, they increased the death-rate. He did not mean to say that the doctors killed or cured people; they did their best, no doubt, whatever way it might be; but he did not see why others who wished to try to help us should not be allowed to do so. That it would involve inconveniences he could quite understand; but a University existed for the convenience of the public. If there were medical men enough he would not say a word, but with the facts that were staring us in the face, it was well that public attention should be called to the subject. There were too few occupations open to women; and in this and other professions there were not men enough to do the work to be done. Medical men were wanted all over the world, and it was a great mistake, if persons of the other sex could be equally qualified, that they should be denied the opportunity of qualifying themselves.

THE LORD ADVOCATE said, that, as the Member for the two Universities of Glasgow and Aberdeen, he wished to say a few words with reference to the Motion before the House. Now, in the first place, the question had been treated by the right hon. Member for Halifax as if it were something different from what was raised by the Motion; because he entered generally into the question of the higher education of females, and advocated the immediate giving of a grant to advance the higher education of women throughout the Kingdom generally. It was unfortunate that this did not occur to the right hon. Gentleman at an earlier period, when he had some connection with the Government, and when, if the views of his Colleagues had agreed with his, they might more probably have arrived at a fruition than now, when he had ceased to be a Member of the Government. But the question really at issue, as raised by the Motion, had reference more immediately to the matter alluded to by the right hon. Gentleman who spoke last—namely, the education of females with a view to their entering the medical profession. He (the Lord Advocate) had no prejudice whatever against the higher education of women. He had not even any prejudice against their education with a view to entering the medical profession. In fact, he was a member of the Governing Body of the Edinburgh University at the time they resolved to allow the ladies to become students. That showed that he had no original prejudice against their being admitted to the profession. The first step that was taken by these ladies—and strange to say they were all English ladies—[Mr. M'LAREN: Not all.] He thought they had all been; but there might be an exception or two, and the hon. Member knew better than he did. Well, the first application was to admit them to the classes along with male students. The authorities objected to that, and said it was quite inconsistent with their views of conducting such an institution, to permit mixed classes. They were willing, however, that the Professors should give them special education, and three of the Professors undertook to give them private tuition. The hon. Member for Edinburgh, he thought, had been too hard on some of these Professors, seeing that they were anxious that the ladies should receive

been appointed to the sole medical charge of Convict Prisons in Ireland, said that in bringing forward this question he disclaimed all intention of reflecting on the conduct of individuals. His observations were directed against a system which he considered unjust and injurious, and as tending to the exercise of too great severity against the prisoners; and he maintained that the medical officer of a prison should be placed in a position of independence, so that if any conflict of opinion arose between him and the governor or the other authorities, he could speak his mind boldly or fearlessly, altogether uninfluenced by the apprehension of unpleasant consequences. How was it possible that a medical officer who resided within a convict prison could be independent when he was under the control of the governor? He would refer to a case that occurred in Spike Island, Cork, where a man's eyes became bad; but the governor did not believe it, and thought he was shamming, and would not allow the medical officer to attend him. That gentleman who had been several times reprimanded for allowing himself to be imposed upon by malingerers, gave up his opinion that the man was really suffering, and the consequence was that the man got worse, and being subsequently sent to Dublin, the doctors pronounced his sight hopelessly gone; the medical gentleman being dismissed for negligence. There was an instance of the evil effects of medical men being placed under the control of the governor of the prison. It was therefore clear that it was most injurious to have a medical officer under the influence and authority of governors of prisons. He submitted that the old system afforded a much stronger guarantee that no severity in prison discipline was pursued beyond the line where independent medical testimony would arrest such a course of proceeding. If it could not be returned to, it would be better, at least, that some out-door physician should occasionally visit the prison.

SIR MICHAEL HICKS - BEACH, said, that as the subject had, to some extent, been already debated during that Session, he would not trouble the House with many observations, the more especially as the change the hon. Member complained of, which was the last of the kind, occurred in 1867, and

the present Government had nothing whatever to do with it. He believed, however, that change had been made on perfectly good grounds. It was considered that, however eminent the visiting medical officers might be, if they resided outside the prison, it would be found that great loss of time would arise when visits were required. Most of them were, when first appointed, young men, to whom the appointment was an advantage; but as their practice increased, the position was not so valuable as at first, and there was a strong temptation either to neglect these appointments in favour of private practice, or to regard the prisons as hospitals for the practice of their students. He had been informed that the substitution of a resident medical officer within the prison had been found to be of the utmost benefit to the prisoners as far as regarded their health, and also as regarded discipline. There was no necessity for any external superintendence. The chaplains might easily call attention to any want of proper care in any particular case, and the medical officers were always only too glad to call in external assistance and advice when it was required. Beyond that, the Inspector of Convict Prisons had reported that any change would be injurious to the convicts, and likewise to the discipline of the prisons. Every convict prison in England had a resident medical officer, and not a single case of neglect of duty had been alleged against the medical officers of the Irish Convict Prisons. There were plenty of external checks if any misconduct occurred, and he did wish that the hon. Member for Louth would place a little more confidence in his own countrymen.

MR. O'REILLY said, his hon. Friend did not complain either of the ability or honesty of the medical officers. But it was in human nature that when a medical man was placed in a prison as a permanent official, he would come to look upon the cases brought under his notice, and would treat them from a prison-official point of view. That could only be counteracted by the supervision of an independent outside medical authority. As to immediate medical assistance, that could be afforded by a resident apothecary. But in cases of separate and solitary confinement, the visits of an independent outside medical man

be the best preventative of possible.

PORTATION OF INFECTIOUS DISEASE.

QUESTION. OBSERVATIONS.

S. LLOYD, in rising to call attention of the House to the injustice by seaport towns in having to pay from their local funds charges laid under the provisions of the Health Act, for the protection of the country from the importation of infectious disease; and, to ask, whether Majesty's Government contemplating any measures to mitigate this injustice? said, that expenses were already considered were likely to increase. The case of Hull, for example, since the passing of the Act had spent £2,600 in meeting the importation of infectious disease. The charges connected with the prevention of smuggling were deducted out of the general Revenue of the country, and as these charges were very analogous, they ought to be paid out of the same fund. A tax might be levied on the ships which carried infected persons, to relieve the country from the cost of their medical treatment. He hoped the Government would take the matter into their early consideration.

SCLATER - BOOTH said, in that very little expense had been laid under the Act at present, and in cases where it had been at all it had been borne by the Local Government Board. He would admit that reasonable apprehension prevailed that expenses to be incurred would in peculiar cases prove very serious. However, as those expenses were the local sanitary authority ought to meet, he could not hold out any hope that the Imperial Exchequer would contribute towards their relief. There were, however, certain expenses which came under the head of quarantine, and he thought he might propose that the relief would not be considerable—that rules would be laid under which the localities would be bound to that extent.

Question, "That Mr. Speaker will leave the Chair," put, and answered.

SUPPLY—considered in Committee.

Committee report Progress; to sit again upon Monday next.

BOROUGHES (AUDITORS AND ASSESSORS).

APPOINTMENT OF SELECT COMMITTEE.

Order read, for resuming Adjourned Debate on Question [8th June], "That Lord Augustus Hervey be one of the Members of the Select Committee on Boroughes (Auditors and Assessors)."

Question again proposed.

Debate resumed.

Question put, and agreed to.

Mr. RICHARD BRIGHT, Viscount FOLKESTONE, Mr. ISAAC, Mr. CALLENDER, Mr. HARDCASTLE, Mr. EDWARD STANHOPE, Mr. RATHBONE, Mr. STEVENSON, Mr. MORGAN LLOYD, Mr. COTES, Mr. GOURLEY, Mr. ROWLEY HILL, Mr. DODDS, and Mr. PELL nominated other Members of the Committee:—Power given to the Committee to send for persons, papers, and records; Five to be the quorum.

House adjourned at One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 15th June, 1874.

MINUTES.]—SELECT COMMITTEE—Report—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod (No. 111).
PUBLIC BILLS—First Reading—Militia Law Amendment* (110).
Second Reading—Statute Law Revision (77).
Committee—Public Worship Regulation* (96); Pier and Harbour Orders Confirmation* (37).
Committee—Report—Magistrates (Ireland) and Commissioners of Dublin Police Salaries* (86).
Report—Church Patronage (Scotland) (95-113).
Third Reading—India Councils* (79); Gas and Water Orders Confirmation* (52), and passed.

STATUTE LAW REVISION BILL.

(The Lord Chancellor.)

(NO. 77.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, he would take the present opportunity of asking their Lordships' attention for a few moments to the progress that had been made in

the revision of the Statute Law of this Kingdom, and, as incidentally connected with it, to the question of the codification of the unwritten law. In 1868, when he had the honour of holding the office which he now filled, a Commission was appointed to publish a revised edition of the Statutes of the Kingdom down to that year. The public were under an obligation to the gentlemen who had undertaken that somewhat laborious task for the way in which they had been discharging it since the day of their appointment. Down to the present time five volumes of that revised edition of the Statutes had been published. They included the Statutes down to the year 1824. The revision proceeded on the principle that only the Statutes now in force should be published in the revised edition; but, in order that there might be no mistake as to what Statutes remained in force after the publication of this edition, there was published *pari passu* with it a series of Acts repealing the Statutes which had been spent, or had become obsolete. Their Lordships would see that they had not merely the word of the Revisers as a security that the Statutes included in the volumes were the only ones on the Statute Book up to the date of those volumes; but the spent and obsolete Acts were actually repealed, and lists of the repealed Acts were published at the same time as the revised Statutes. In illustration of the extent to which the revision had already been accomplished, he would state that the five volumes of Statutes already printed had superseded 43 volumes of the 8vo., or 26½ volumes of the 4to. editions of the Statutes. With the Statutes would be published a chronological table and a complete Index of the Statute Law. The first edition was down to 1870, and the second to 1872. He now asked their Lordships for a second reading of the Statute Law Revision Bill of this year, by which it was proposed to repeal all Acts that had become spent or obsolete down to 1837 and had not yet been repealed. The sixth volume of the Revised Statutes would bring down that work from 1824 to 1837, and the expurgation would be continued from 1837 to 1868. As the Revisers got into more modern times they did not get rid of so many Statutes, and to bring the work down to 1868 nine or ten volumes more would be required. It

The Lord Chancellor

was proposed that the Index should be kept up as an Annual Index, so that anyone who purchased it could have an Index of the whole of the Statute Law down to the end of the last Session of Parliament. It had become of importance now, when we were dealing with the subject as a whole, that there should be a consolidation of the Statutes of the present Reign, and it was proposed that next Session a Bill should be brought in for that purpose. With such a consolidation and the revision now being effected, the country would possess a perfect edition of the Statute Law down to 1868, in about 15 volumes. There would remain, however, a work of difficulty and importance—the codification of the unwritten laws. On this subject various proposals had been made. He thought that a great deal of the difficulty had arisen from endeavours to embrace in the codification the Statute Law as well as the unwritten Law. In his opinion a codification of the Statute Law would be almost impossible. What we wanted was an expression of the unwritten or Common Law. He hoped, on the part of Her Majesty's Government, at the beginning of next Session, to make a proposal for such a codification. The noble and learned Lord concluded by moving the second reading of the Bill.

Moved, "That the Bill be now read 2."
—(*The Lord Chancellor.*)

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House To-morrow.

CHURCH PATRONAGE (SCOTLAND)

BILL—(Nos. 95-13.)

(*The Lord President.*)

REPORT OF THE AMENDMENTS.

Amendments reported (according to Order).

THE DUKE OF RICHMOND said, that in pursuance of the understanding he had come to on a previous occasion with his noble Friend (the Duke of Argyll) as to the constitution of the elective body, he now proposed, in Clause 3, page 2, line 7, after ("communicants") to insert ("and others aforesaid") and in Clause 7, after the word ("communicants") to insert ("and other members of the congregation qualified in terms of

;) and at the end of the clause his Proviso—

ided always that if any communicants members of the congregation of a church and parish, qualified in terms of shall apply to the presbytery of the and shall state that the number of com- s and other members of the congrega- such church and parish, qualified as , is less than 25, it shall be lawful for presbytery, if they see fit, to make an ient *tanquam jure devoluto* on the ex- of three months after the vacancy has "

idments agreed to.

ier Amendments made; Bill to 3^d To-morrow; and to be printed ided. (No. 113.)

WORSHIP REGULATION BILL. (No. 62.)

s Lord Archbishop of Canterbury.) nittee (on Re-commitment).

se again in Committee (on Re- ment) (according to Order).

BISHOP OF PETERBOROUGH, d given Notice of new Clause to Clause 22:—

whereas with regard to the following ting to public worship in the Church nd, namely,

side of the table at which the minister stand during the prayer of consecra- ion Communion Service;

use of the words of administration of Communion otherwise than separately omunicant;

use of hymns during divine service;

celebration of Holy Communion during of evening service;

preaching of sermons otherwise than of the Communion Service;

daily use of the Morning and Evening

use of the Communion Service,

ave been entertained as to the construc- he rubrics applicable to some of such and it is not desirable that the clergy of the said church should be disquieted tion as to any of such matters, be it that no proceedings shall be taken e provisions of this Act on account of ters, or any of them; provided that as ymnns the hymns used shall not have ibited by the ordinary, and shall not at a time prohibited by the ordinary; as regards daily Morning and Evening this enactment shall not apply in any hich the ordinary shall have directed vice to be used in any particular

wished, before stating to their ps the course he intended to ith regard to the Amendment g in his name, to say a few words e precise scope of that Amend-

. CCXIX. [THIRD SERIES.]

ment, and what were the real objects he had in view when he gave Notice of it:—because it appeared to him a considerable amount of misapprehension as to that scope and as to his object prevailed not only out-of-doors, but, as he ventured to think, in that House. He did not think that arose from any want of clearness in the terms of the Amendment, because they were very precise, nor from anything in the masterly and statesmanlike speech of the noble and learned Lord on the Woolsack on going into Committee, in which he had stated the exact aim and precise limits of his proposition. The scope of the Amendment was this—that, as regarded certain transgressions of the rubrics, no proceedings should be taken “under the provisions of this Act” against any clergyman who should have been guilty of those transgressions. His Amendment was strictly limited to “proceedings under this Act.” His object was this. It appeared to him that under the provisions of this Bill as originally proposed, there might be a considerable amount of unnecessary and merely vexatious litigation; and in order to prevent clergymen from being disquieted for practices which they had observed in laxer times, he was anxious that the sharper powers of this Act should not be put in force against such clergymen by spiteful persons. He did not propose that no penalties whatever should attach to those who transgressed the rubrics. He did not propose that, because it appeared to him that if a statute of the Imperial Parliament provided that no penalty should attach to the transgression of a certain rubric that statute would completely repeal the Act of Uniformity, so far as regarded that rubric, and if a statute might do away with the coercive jurisdiction of the Church as regarded one rubric, it might do away with it in the case of all the rubrics; and thus Parliament by an Act repealing all penalties for breaches of the Prayer-book might set aside the use of the Prayer-book altogether. What he proposed was this—that when the Bishops of the Church, who were responsible for the observances of the rubrics, said they had not power to enforce the law, and applied for a more summary process, infraction of certain rules, rubrics, and canons was not to be dealt with under this pro-

cess. He did not propose to legalize any breach of rule, rubric, or canon. The effect of his Amendment would be, as regarded the matters specified in his Amendment, to leave every clergyman guilty of an infraction in exactly the same position as that which he would have occupied if this Bill had not passed. He had been accused of the wicked sin of legalizing what the Church did not legalize, and he had been warned that a consequence of his sin might be the secession of members from the Church. The fact was his Amendment would not legalize anything; but it would prevent persons from carrying on a war of reprisals for transgressions of rubrics which had occurred in the interregnum of a laxer administration of the law. The difference between proceedings under the ordinary Ecclesiastical Law and proceedings under the Bill as it was when introduced would have been similar to that between ordinary process and summary jurisdiction in civil law. He had now to consider whether he would proceed with this Amendment or not. The first consideration was that the Bill was now by no means the same Bill as when he gave Notice of his Amendment. Their Lordships had declined to create a number of small Diocesan Courts, in which there would have been a cheap and speedy, if not perhaps a perfect, administration of justice. Instead of such tribunals, there was to be one great Court, and one Judge. Then, the Bishops were to have a discretionary power; and there was to be a wholesome sedative to vindictive proceedings in the shape of security for costs. All these things lessened to a great degree the necessity for his Amendment—in fact, the same necessity for the Amendment no longer existed. Again, he had been favoured with a great many communications from all parts of the country on the subject of his Amendment, which had given rise to an excitement he had little expected. He found from these communications that there was a very general concurrence of opinion in favour of *Excipienda*; but when he came to the question of what should be the *Excipienda* he found no such concurrence. Each clergyman wished that there should be *Excipienda* in favour of the practices in which he himself indulged, but that there should be none for those of his neighbour.

The Bishop of Peterborough

Everyone was equally anxious to be himself excepted from prosecution, and equally jealous of the power of prosecuting his neighbour. While all were for peace and a neutral ground, none were agreed as to what should be the terms of peace and what should be the neutral ground. This being so, and considering the alterations made in the Bill, the Amendment did not appear to be now necessary. If a clergyman said—"I will be prosecuted, and no one shall interfere to prevent a prosecution against me," he was unwilling to step in to save him. Another reason had operated to induce him to withdraw the Amendment. It was that he found his list of *Excipienda* much extended by Notices given by noble Lords, and he began to fear that it might be made much longer in the other House. One noble Earl had given Notice of an Amendment to include the use of the Athanasian Creed—a proposition which would have had his strenuous opposition. Another noble Lord desired to have the Service for the Visitation of the Sick included, though that Service formed no part of the Public Worship of the Church. This Bill applied only to acts done in churches and churchyards, and he had never heard of the Service for the Visitation of the Sick being recited in either. He shrank from making the subjects of some of these Amendments topics of discussion in that House; but he trembled at thinking that they might become the topics of discussion in a House in which expressions might be much less guarded, and many of the Members of which were less well-affected towards the Church than were most of their Lordships. Then the question of time had its influence with him. At first he was in favour of postponing legislation on the whole matter; but the passion and panic existing at this moment had entirely changed his opinion on that point. From what he saw of the tempers which had been already elicited by this Bill, he confessed he did not think it would be safe or wise to wait for a year longer and run the risk of violent meetings and counter-meetings and demonstrations and counter-demonstrations in the meantime. Whoever would take such a responsibility upon him, he for one dared not do it. Even in the interest of that revision of the rubrics, which he hoped would soon come about, he was anxious to see the Bill passed this Session.

Having now stated his reasons, he hoped that noble Lords who had been very severe on the indiscretion of Bishops would be of opinion that he was not making an unwise use of episcopal discretion when he declined to move the Amendment.

EARL STANHOPE said, that he did not question the discretion of the right rev. Prelate in withdrawing his Amendment, but he thought he should have given earlier Notice of his intention. Such Notice might have been conveniently given on Friday last, instead of which many noble Lords had come to the House this evening under the belief that the Motion, as it stood on the Paper, would come on for discussion. As the right rev. Prelate had given up his Amendment, the one of which he (Earl Stanhope) had given Notice would fall to the ground. His Amendment, it would be remembered, referred to the Athanasian Creed, which he (Earl Stanhope) desired to include in the list of cases, respecting the disuse of which no further controversy was to be raised. He retained his opinion that the compulsory use of that Creed in the public services was injurious to the best interests of the Church, and kept aloof from its pale many who might otherwise be anxious to enter it. Such being his view, he desired now to state that he should certainly bring on his Amendment in case the right rev. Prelate, or any other of their Lordships, should renew the Motion which had been announced for this evening.

THE EARL OF SHAFTESBURY thought the right rev. Prelate had adopted a judicious course. His Amendment would have placed the Bill in the greatest possible danger. He now hoped that the Bill would go down to the other House and become law this Session.

EARL GREY moved, after Clause 22, to insert the following clause—

"The following rules shall be in force with respect to the introduction of changes in the mode of performing Divine Service in churches:

"(a.) The incumbent shall make no change in the mode of performing Divine Service actually in use in any church till after he shall have given one month's public notice of his intention of doing so.

"(b.) If within one month after such notice shall have been given any of the parishioners shall present a memorial to the bishop of the diocese against the proposed change, it shall not be carried into effect until the bishop shall have had an opportunity of considering the subject.

"(c.) If the bishop shall be satisfied that the objections urged against the proposed change are reasonable, he shall have power at any time within two months of the memorial being presented to him to issue a monition to the incumbent prohibiting him from carrying such change into effect.

"(d.) If any incumbent shall, without giving the required notice, change the mode of conducting Divine Service in use in his church, the bishop shall have power, on complaint being made to him by any of the parishioners, to issue a monition to such incumbent, warning him to revert to the mode of conducting the service in use before the alterations complained of.

"(e.) The bishop shall have power to enforce monitions under this clause by the same means as are provided by this Act for the enforcement of other monitions."

On Question? *Resolved in the negative.*

Clause 23 (Limitation of proceedings against incumbents) amended and agreed to.

Clause 24 (Archbishops shall frame rules, orders, &c.) *struck out.*

Clause 25 (Places exempt from the operation of Act.) The clause proposed to except from the operation of the Act, the chapels of the colleges and halls in the Universities of Oxford, Cambridge, and Durham; the University church of any of the said Universities when used by such University; and the chapels of the Colleges of Westminster, Winchester, and Eton.

THE MARQUESS OF BATH moved an Amendment, in line 41, to insert after "Eton"—

("Any private chapel, free chapel, or proprietary chapel.

"Any chapel coming under the provisions of section 31 of "The Public Schools Act, 1868," and section 53 of "The Endowed Schools Act, 1869."

"Any chapel coming under the provisions of "The Private Chapels Act, 1871."")

THE DUKE OF RICHMOND pointed out that there was a great difference between private chapels and proprietary chapels. The latter were under the Bishop, but his noble Friend might put up any ornaments he pleased in his private chapel; no one would have any authority in the matter. The noble Marquess' exception was therefore entirely unnecessary.

THE ARCHBISHOP OF YORK believed the noble Duke had correctly stated the law, and that the service in a private chapel being for the use of the household, the Bishop had no authority over it. It was otherwise, however, with regard to proprietary chapels. The Act of 1871

had been purposely so drawn as to enable private chapels to be used as public places of worship under certain restrictions, and he objected to their being excepted.

THE ARCHBISHOP OF CANTERBURY said, that they had in framing this Bill followed the Act of Uniformity as closely as possible. The act of consecration did not of itself make a place public for the public worship of the people. Proprietary chapels came under that Act because they were places of public worship.

THE MARQUESS OF SALISBURY said, his recollection was that the chapel of the College of Westminster was mentioned in the Act of Uniformity, and he therefore doubted whether the provisions of this Bill would not apply to it. If the most rev. Prelate would say that the Bill should apply only to places of worship connected with the cure of souls, a distinct principle would be laid down which all could understand. The grievance which the Bill was intended to remedy would arise only in presence of a congregation who had no other place of worship to go to, and whose feelings would therefore be injured by the acts objected to. If this was not so—if Westminster Abbey was excluded from the Bill—he should like to know why Westminster should have an exemption which was not to be extended to St. Paul's? Was the Dean to be left to do anything he pleased—to read the Athanasian Creed, or not to read it at his pleasure?

LORD SELBORNE wished to know whether it was really intended that Westminster Abbey should be excepted from the Bill?

THE ARCHBISHOP OF CANTERBURY said, there was no intention whatever to except Westminster Abbey from the operation of the Bill, although it might be the chapel of Westminster School. The school might at any time be separated from the Cathedral and the chapel might then be distinct from the Abbey.

THE MARQUESS OF SALISBURY asked whether Westminster School had no other chapel than Westminster Abbey.

THE DUKE OF RICHMOND said, that having had the honour to belong to Westminster School some 40 years ago, he could answer his noble Friend that Westminster School had no other chapel. The Abbey might therefore be called the chapel of the School of Westminster.

The Archbishop of York

THE BISHOP OF CARLISLE understood it was intended to keep Cathedrals out of the Bill altogether—he should vote for that exclusion with his whole heart and soul.

THE ARCHBISHOP OF YORK said, that on referring to the Act of Uniformity, he found that the chapel of the College of Westminster was mentioned in it.

THE BISHOP OF LINCOLN would move that the chapel of the College of Westminster be excluded.

THE ARCHBISHOP OF YORK proposed that the clause be postponed till the Report.

On Question, Whether the clause stand part of the Bill? *Resolved* in the *Negative*.

Clause 6 (Interpretation of terms.)

Amendments *moved*; some *agreed* to; others *disagreed* to.

Page 3, lines 3-5, *moved* to leave out—

("Or, if not resident as aforesaid, is owner or tenant of lands or tenements in the said parish.")
—(*The Earl Nelson*.)

On Question, That the words proposed to be left out stand part of the clause? Their Lordships *divided*:—Contents, 67; Not-Contents, 23. Majority, 44.

Resolved in the *Affirmative*.

New clause added (Rules for settling fees under this Act.)

The Report of the Amendments to be received on *Friday* next; and Bill to be *printed* as amended. (No. 96.)

INDIA COUNCILS BILL.—(No. 79.)

(*The Marquess of Salisbury*.)

THIRD READING.

Order of the Day for the Third Reading read.

Moved, "That the Bill be now read 3^d."
—(*The Marquess of Salisbury*.)

VISCOUNT HALIFAX said, that as he was not present on the occasion of the second reading of the Bill, he wished to express his grave doubt as to whether the remedial measure proposed by the Government would effect its purpose. It was true that the original estimates of public works had occasionally been exceeded, but the revised estimates were the proper ones to consult. He complained that the Return obtained by the Government of the increase of ex-

ture over estimates for public works did not show the whole of the

He was of opinion that the appointment of a public officer as Chief Engineer would not be advisable.

MR STANLEY OF ALDERLEY declared that the measure was one which would tend to economize the money granted for public works in India, for not only had many barracks been built on insalubrious sites, but also, after a very large expenditure had been incurred, the construction had proved to be so faulty and defective that in several cases it had been necessary to demolish this expenditure. Such occurrences would be prevented by the proper appointment of a responsible head of Public Works.

THE MARQUESS OF SALISBURY understood his noble Friend to say that, in his opinion, there was no great evil to be remedied, and that if there was, this was not the proper remedy. He was prepared to dispute both those propositions. His noble Friend had gone into the history of the appointment of the Chief Engineer and Legislative Members of Council, and proved, he hoped to the satisfaction of their Lordships, that before their appointment a very unsatisfactory state of things existed, and that their appointment that state of things had improved. He (the Marquess of Salisbury) was prepared to show that there was now an unsatisfactory state of existence on Public Works, and it created a fair presumption that a similar effect would follow from similar measures. His noble Friend seemed very ready to doubt whether the Returns laid on the Table were a fair exposition of the doings of the Department of Public Works. He did not dwell upon the topic when he last addressed their Lordships—it was not a pleasant subject to speak on. Those Public Works Commissioners were men of very high ability; they did their work to the best of their power; and when they went wrong, his noble Friend was that it was the system that was at fault, and not they. The criticism that the noble Lord had passed on the formidable list of excesses would hardly bear examination. He said that what we ought to do was to take the revised estimate, and if it was not exceeded no harm was done.

What was a revised estimate? A revised estimate was begun on an original estimate, which might be very moderate; it went on for years exceeding the cost of the

innocent original estimate; and at last when the Secretary of State called for a revised estimate, it was found to exceed the original estimate five or six times. A certain work bearing an honoured name furnished an illustration of this—it was the Ootacamund Lawrence Asylum; and Lord Mayo's Government had given a graphic account of what had happened in the case of that work. The original estimate was £18,000; the revised estimate was £112,000; and the work was not finished then. The actual cost to the end of 1872-71 was £88,455—an excess of £70,440 over the original estimate. The revised estimate on which his noble Friend relied was not produced until a great deal more than the original estimate had been expended. In fact, a revised estimate was a confession that the original estimate had been exceeded. The Duke of Argyll, writing on the 18th of December, 1872, in reference to the expenditure on a tank near Madras, of which the engineer was Mr. Fraser, said:—

“It is apparently not so much himself as the system that was to be blamed. But if so, no condemnation can be too severe for a system, according to the ordinary routine of which it is possible for a project to be submitted with all the parade of detailed elaboration and of no less than 23 sheets of plans, for an expenditure thereon of 3½ lacs to be authorised on the assumption that the annual return would be at least 9, and might be 20 per cent, and for the project to be, after an interval of three or four years, abandoned on account of its containing inherent defects that would inevitably cause the result of its continued prosecution to be, instead of high profit, heavy loss; yet not abandoned without more than £11,000 being expended subsequently to the detection of the glaring and fatal defects. For that this is no exceptional case is clear from the fact of my having, within the last few months, found myself called upon to animadvert on similar heedlessness in the preparation of irrigation projects, in three several instances—those of the Moota Valley, the Madras Water Supply, and the Orissa Works, with regard to each of which confident promises of signal financial success were at first held out, and of which one has already proved, and the other two threaten to prove, and long to continue, signal financial failures. There must plainly be something radically wrong in a system under which such results are of such frequent concurrence, and I must desire your Excellency's Government to give to the subject your immediate and most serious attention, with a view to the application of a proportionately radical remedy.”

The Duke of Argyll saw there was something radically wrong which required the application of a proportionately radical remedy. The late Lord Mayo, who had paid more atten-

tion to Public Works in India than perhaps any other statesman had done, wrote to the Duke of Argyll on the 24th of August, 1869, and said :—

“That you should then, early next Session, pass a short Act enabling the Secretary of State to appoint by Sign Manual 3, instead of 2, ordinary members of Council, with a view of nominating a person who would fill the office of Minister of Public Works. This step is, in my opinion, indispensable. I am now discharging with great labour the duties of the Member in Council in charge of the Public Works Department. I am very strong and can work 12 hours a day; but I have seen enough to know that the Member in charge of what is now becoming almost the most important department in the Government, ought to be able to devote his whole time and thoughts thereto—ought to have much special knowledge—and, moreover, should from time to time visit, with the Secretary to Government, the various great works in progress.”

Independently of these high authorities it seemed reasonable that matters so technical as Public Works should be supervised by a person of special qualifications—quite as necessary as that military matters should be superintended by a man of military experience. As to the fear that the presence of an Engineer in the Governor General's Council would lead to an increase of expenditure on Public Works, the real danger of undue expenditure was not in the Council. The Financial Member would there state how much money he had to spend, the Public Works Member would be required to submit his estimate; and the Viceroy would have the absolute power to say, “You shall go thus far and no farther.” The danger of extravagance was not inside but outside the Council; and the root of the danger was that there was no one person vested with responsibility and power and whose reputation was pledged to the furnishing of proper estimates and seeing that they were not exceeded. This Bill had in view a remedy for this defect—a remedy which was supported by the high authorities he had cited, and by the large excesses of expenditure which the Returns displayed. As to the supposed intrusion of the Public Works Member upon the provincial Councils, he did not fear that it would provoke jealousy. The truth was their relations with the Governor General's Council were, in diplomatic language, “somewhat strained”—especially in reference to Public Works; and his belief was that the visits of the proposed new Member would produce a better understanding in two days than

two years' writing of elaborate despatches—especially with reference to irrigation works. The idea of interchange between the Councils of these Presidencies was a new one, which required reflection, and he therefore proposed to omit that clause from the Bill, leaving himself free to renew the proposal at a future period. With that alteration he believed the Bill would introduce order where there was now something slovenly and disorderly, and would have the effect of restraining excessive expenditure in Public Works. His noble Friend objected to diminishing the number of the Council in order to make room for the Public Works Member; but he (the Marquess of Salisbury) made that proposal in deference to the suggestion of the Viceroy. As to whether the number should be afterwards increased, he should be very much guided by the wishes of the Viceroy. His noble Friend had taken some objection to his conduct in not having taken the advice of his Council in this matter. But a high authority had stated to him to-day that it would have been illegal to do so. The Council was appointed for a special duty. It was no part of that duty to supervise the action of the Secretary of State in Parliament, and he did not think it would be a constitutional improvement to give them that position. The Members of the Council were not only a check on the Secretary of State, but in the administration of the Office were a great assistance to him. When any one of his Colleagues in the Cabinet was about to introduce a Bill, he would naturally consult his Under Secretary, but would not tell what the opinions of his Under Secretary were. It was the business of the Minister to introduce a Bill on his own responsibility, having taken in his own Office such advice as he might have thought fit; but it was not his business to tell their Lordships whom or how many he had consulted. He should have violated a salutary rule if he were to throw on others a responsibility which he should have taken on himself.

LORD LAWRENCE was understood to say that as he had been a member of the Council in India, and had been for 40 years well acquainted with the working of the Public Works Department in India, during 25 years of which he had had peculiar facilities for observation, he could not allow the Bill to pass without making a few remarks upon

The Marquess of Salisbury

it. It struck him that as regarded the Return which had been laid on the Table of the House, there was something more to be said in favour of the Public Works officers than had been stated to the House. He did not think that many of the officers who had made the estimates referred to, were so much to blame as the noble Marquess seemed to think. He did not deny that the works had occasionally turned out to cost very much more than the original estimates. The Returns for 10 years from 1862-3 to 1872-3 were not a fair criterion of the cost of the works within those years. The estimates for the works mentioned in the Return between 1862-3 and 1872-3 could not be considered as a fair result for those works unless all the other works which had been constructed during those years were brought into consideration. It should be remembered that public works were often commenced in India under the greatest emergency, and that therefore the estimates were not sufficiently elaborated. Then he thought it would be found on examination that the great excess was in respect of the early irrigation works, when the engineers were not so well acquainted with the principles of hydraulics when applied to that description of works in India. It was impossible, in framing estimates, to take into account the dangers from accidents which often subsequently occurred through the overflow of rivers and the rush of waters from the mountains, which washed away bridges, embankments, and other works in a few hours. He mentioned these things to show that it was at times impossible to make original estimates which would prove reliable. These accidents did not occur through any fault of the present system. There was also a great and peculiar work to be done during a period of years succeeding the Mutiny, and a number of the officers employed had had no special training for the work with which they were entrusted; and therefore it was no wonder that some of those works cost considerably more than the original estimates. Notwithstanding that, however, many of the works were well executed; and in other cases the officers learnt by experience. From the Returns for 1871-72 it appeared that, taking all the public works together, their cost had exceeded 3 per cent the original estimates. He thought that this was a very

fair result. He admitted that there had been some grave mistakes made which required consideration; but he contended that the best way to remedy such errors would be to exact greater responsibility from the officers who committed them. If that were done, he believed very few errors would be committed. He desired to point out that the civil Members of the Council of the Governor General had been reduced by two. It was now proposed to have seven Members of that Council, and he feared that an increase of an additional Member would make the Council difficult to work and to control. Still, he preferred an addition to the Council rather than a reduction of one of the civil Members. He, however, believed that in the long run the engineer Member of the Council would make his influence unduly felt, and that there would be a greater expenditure on public works. It would be vain, he feared, to resist the Bill, but he hoped that its passing would be suspended until the India Office had received from the Governor General and his Council their opinion upon the subject.

LORD STRATHNAIRN ventured to confirm all that his noble Friend, the noble Marquess, had said in favour, not only of the advantage, but the necessity of efficient supervision of the Public Works Department in India. He spoke under the influence of five years' experience as Commander-in-Chief in India and as a Member of the Council of India. On the other hand, he quite agreed with his noble Friend (Lord Lawrence) that it would be wise to add another Member, rather than to displace one. The labours of the Council were so great that it could not afford to lose one of its present Members.

Motion agreed to; Bill read 3^d accordingly; Amendments made; Bill passed, and sent to the Commons.

House adjourned at a quarter past
Nine o'clock, 'till To-morrow,
Eleven o'clock.

HOUSE OF COMMONS,

Monday, 15th June, 1874.

MINUTES.]—NEW MEMBERS SWORN—Baron Kensington, *for* Haverfordwest; Farrer Herschell, esquire, and Sir Arthur Edward Monck, baronet, *for* Durham City.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—POST OFFICE, PACKET, AND TELEGRAPH SERVICES.

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading—Slaughterhouses, &c.* * [150].

First Reading—Wenlock Elementary Education * [151].

Second Reading—Sanitary Laws Amendment * [128].

Referred to Select Committee—County of Hertford and Liberty of Saint Alban * [77].

Select Committee—Colonial Clergy * [125], *nominated*.

Committee—Report—Oyster and Mussel Fisheries Orders Confirmation * [129]; *Merchant Ships (Measurement of Tonnage)* * [118-148]; *Juries* * [18-149].

Third Reading—Churches and Chapels Exemption (Scotland) * [108]; *Alkali Act (1863) Amendment* * [99]; *Apothecaries Act Amendment* * [71], and *passed*.

Withdrawn—Allotments Extension * [79].

CONTROVERTED ELECTIONS—BOROUGH OF DROGHEDA.

MR. SPEAKER informed the House, that he had received from Mr. Justice Barry, one of the Judges on the Rota for the Trial of Election Petitions in Ireland, a Certificate and Report relating to the Election for the Borough of Drogheda, to the effect that having transmitted to the Court, in the usual manner, a special case setting forth the material facts and submitting for the opinion of the Court the question, whether, under the circumstances, the Election should be declared void; and the case having been argued before the full Court of Common Pleas, the learned Judge received from the Master of the Court a Curial or Official Minute stating "that the Court being equally divided in opinion pronounce no decision;" and that he having thus failed to obtain the determination of the Court, he decided the matter himself and determined that the Election was not void, and that William Hagerty O'Leary was duly elected and returned as Member to serve in Parliament for the Borough of Drogheda.

ARMY SERVICE IN INDIA—THE 81st REGIMENT.—QUESTION.

MR. J. G. TALBOT asked the Secretary of State for War, If he would state to the House, how many years it is proposed that the 81st Regiment should serve in India, that regiment being ordered to go there in October next, and having already completed more than four years' service at Gibraltar, while its affiliated regiment, the 47th, has been for a longer period on home service?

MR. GATHORNE HARDY, in reply, said, that the 81st Regiment would have to serve eight years more in order to complete the 12 years of foreign service. Its affiliated regiment, the 47th, had during the last 14 years been six years at home and eight years abroad; and no doubt the relative positions of the two regiments would by-and-by be changed.

THE NATIONAL GALLERY—THE PIETRO DELLA FRANCESCA.—QUESTION.

MR. HANKEY asked the First Lord of the Treasury, in the absence of the Chancellor of the Exchequer, Whether it is true that a painting by Pietro della Francesca has been purchased for the Nation at the late sale of the Barker Collection for £2,415; and, if so, whether his attention has been called to a letter signed by Mr. J. C. Robinson, in "The Times," dated 8th June, in which that Gentleman states that the painting in question, having been a wreck and ruined beyond redemption by decay, has been entirely re-painted, so that he does not think any portion of the surface as it now is is from the hand of Pietro della Francesca; and if he has any reason to believe that Mr. Robinson's statement is correct; and, further, whether he has seen the same gentleman's letter in this day's "Times?"

MR. DISRAELI: Sir, I read the letter to which the hon. Member's Question refers some days ago, and I have also read that which appears in *The Times* of this morning. When the legitimate occasion offers, and the proposal is made to the House of Commons to vote a sum of money for the purchase of pictures, I shall be ready to make some remarks upon those letters; but I believe it is quite against the rules of the House to enter into a controversy by mere Question and Answer across the Table. Therefore I will merely say that it is quite true that a painting by Pietro della Francesca has been purchased for the nation at the late sale of the Barker Collection for £2,415, and, as the subject has been referred to, I will say that I congratulate the country on having acquired, after a severe competition with some of the first galleries and collections at present in existence, a picture of the most rare and interesting character, and which I think, will add to the beauty and value of the National Collection.

ARMY—THE ROYAL MILITARY ACADEMY.—QUESTION.

MR. HEYGATE asked the Secretary of State for War, If his attention has been directed to the Report of the Board of Visitors of the Royal Military Academy, Woolwich, dated July 1873; and, whether he is prepared to act upon their recommendations—viz., that a separate

room be provided for each Cadet, and that a suitable field for cricket and football be obtained for the recreation of the Cadets?

MR. GATHORNE HARDY, in reply, said, that the subject referred to in the hon. Member's Question was not a new one, it having been brought before the late Secretary of State for War. No provision, however, had been made for the purpose in the Estimates for the present year. The sum required for making separate rooms for the Cadets would be £15,500, and for providing a playground, £2,400. Enquiries were now being made whether the estimate for the former could not be reduced; but there were other buildings which would have to be completed before the works referred to could be commenced.

INDIA—INDIAN (HINDUS AND MAHOMEDANS) APPOINTMENTS.

QUESTION.

SIR PATRICK O'BRIEN asked the Under Secretary of State for India, Whether his attention has been directed to a Return made in pursuance of an Address moved for in 1872 by him (Sir Patrick O'Brien) in reference to Indian Appointments, from which it appears that during the five years from 1867 to 1871 (both inclusive) there have been appointed to offices of not less than 150 rupees monthly 2,345 Hindus as against 597 Mahomedans; and, whether it is the intention of the Indian Government to take any action in order to remedy such an inequality in the distribution of Indian Appointments?

LORD GEORGE HAMILTON: My attention, Sir, has been called to the Return, by which it appears, as stated by the hon. Baronet, that 2,345 Hindus have been appointed to certain offices, as against 597 Mahomedans. The hon. Baronet calls that distribution unequal; but, if he will consult the last Census Return, he will find that the Hindu population stands to the Mahomedan in almost the same proportion as the figures mentioned in the Return alluded to.

CATTLE—FOOT-AND-MOUTH DISEASE.

QUESTION.

MR. J. W. BARCLAY asked the Vice President of the Council, Whether the Order in Council recently issued relative to the foot and mouth disease is in accordance with the recommendations of

the Select Committee on Cattle Diseases of last Session; and, if a Copy will be laid upon the Table of the House?

VISCOUNT SANDON: Sir, after the Report of the Select Committee of last year, the previous Orders relating to foot-and-mouth disease were revoked; but, in consequence of a serious outbreak of that disease in various parts of England and Scotland, the Lord President thought he could not do otherwise than revert to the former regulations, and authorize the local authorities in any district to take measures to prevent the spread of the disease. He hopes that that deviation from the recommendation of the Select Committee will not cause inconvenience. There is no objection to lay a copy of the recent Order on the Table, and I may add that the Lord President has been in communication with Mr. Chancellor of the Exchequer, with the view of carrying out more effectually the system of inspection of animals landed from Ireland.

SCIENCE AND ART DEPARTMENT— SOUTH KENSINGTON.—QUESTION.

MR. MUNDELLA asked the Vice President of the Council, Whether he can now inform the House what arrangements have been made in the Department of Science and Art consequent on the resignation of Mr. Cole?

VISCOUNT SANDON: Sir, arrangements have been made for bringing the various departments at South Kensington into more direct relations with the Education Department, in which they will be virtually merged. The Secretary of the Education Department will also be the Secretary for the departments at South Kensington. Under Sir Francis Sandford will be an assistant Secretary, Mr. Macleod. The office of Director of the Museum has been offered to, and has been accepted by, Mr. Cunliffe Owen, and Major Donnelly and Mr. Redgrave have been offered the directorships of the Science and Art divisions respectively. The subordinate arrangements are not yet complete, but will be proceeded with at once, now that the Government are able to have the assistance of responsible heads of departments.

ENDOWED SCHOOLS—TUNBRIDGE SCHOOL.—QUESTION.

MR. GOLDSMID asked the Vice President of the Council, Whether, con-

sidering that the Endowed Schools Commissioners' Scheme for Tunbridge School has been long deferred, and that the delay is injurious to the school, he can state when the scheme is likely to be published?

VISCOUNT SANDON: Sir, I have referred the Question of the hon. Member to the Endowed Schools Commissioners, and am informed that in December, 1872, an assistant Commissioner inquired into and reported upon the case of Tunbridge School. But the Commissioners have not prepared the draft of a scheme, nor is a scheme likely to be published during the present Session of Parliament. I am also informed that the case is one of great importance, and that the delay in its settlement is owing to the work caused by the sittings of the Select Committee appointed last year to consider the working of the Endowed Schools Act, and to the uncertainty which has prevailed respecting the future in consequence of the Act of last Session.

POST OFFICE—THE WEST INDIA MAILS.—QUESTION.

SIR FREDERICK PERKINS asked the Postmaster General, Whether the Post Office Department has not found the landing of the West India Mails at Plymouth, instead of at Southampton, to be without material advantage to the public service, and involving an unnecessary expense to the country; and, whether the Royal Mail Company have expressed any unwillingness to cease calling at Plymouth; also, what are the objections to the India, China, and Australian Mails being conveyed through the Suez Canal; and, if the Peninsular and Oriental Steam Packet Company have not guaranteed to convey those Mails to their destination, via the Canal, in the same time as they are at present conveyed; and, under these circumstances, what advantage is derived by the Mails being landed at Alexandria, and transmitted to Suez by Railroad?

LORD JOHN MANNERS said, in answer to the first part of the Question of the hon. Member, that the landing of the West India Mails at Plymouth had been found to be of material advantage to the commercial community, and, therefore, steps were being taken to remedy what he imagined to be an accidental omission in the new Postal Con-

tract by which those Mails were no longer to be landed at Plymouth. The amended Contract, when ready, would in the usual course be laid upon the Table. The subject of the second part of the Question was still under the careful and anxious consideration of the Government, and when they arrived at a determination with reference to it, which he hoped would be in a few days, he should be happy to answer the Question of the hon. Member.

BOARD OF NATIONAL EDUCATION (IRELAND).—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, Whether, in the event of any changes in the constitution of the Board of National Education in Ireland by the appointment of any additional paid Commissioners or otherwise being contemplated by the Government, he will afford Parliament an opportunity of learning what such changes are to be, and of considering and discussing them before they are effectuated?

SIR MICHAEL HICKS-BEACH: Sir, the hon. Member appears to me to suppose a case, and then to ask me what the Government will do in the event of his supposition being correct. As far as I am aware, Her Majesty's Government have not as yet had under their consideration the point alluded to in the Question of the hon. Member, and, therefore, I am unable to say what course they would take in the event of their deciding upon a matter which has not been considered by them.

PROTECTION TO WOMEN AND CHILDREN BILL.—QUESTION.

COLONEL MURE asked the Secretary of State for the Home Department, When he will be prepared to bring in his promised Bill on the subject of the Protection of Women and Children?

MR. ASSHETON CROSS, in reply, said, the question of providing remedial measures in mitigation of the evils arising from the employment of child-bearing women and children in factories was one into which he went on the second reading of his Bill relating to the subject a few nights ago. Since that time, several hon. Members had placed Amendments on the Paper with reference to that branch of the general question. Those Amendments should receive the atten-

the Government before the Bill was asked to go into Committee, and when the proper time should be prepared to express on the Amendments.

SUPPLY.

for Committee read.
made, and Question proposed,
Mr. Speaker do now leave the

EDUCATION, SCIENCE, AND ART— MINISTER OF EDUCATION. COMMISSION FOR A SELECT COMMITTEE.

LYON PLAYFAIR, in rising to motion to the deficient Ministerial liability under which the Votes for Education, Art, and Science are asked; and to move for a Select Committee to consider how such Ministerial responsibility may be better secured: The subject which I wish to draw to the attention of the House is not brought before it for the sake of, and it is therefore necessary, a justification of my Motion, and a sake of clearness, that I should say a few sentences, a narrative of the steps taken by the House in past years. The present system of superintending education by a Committee of the House arose in 1839, when a few Members of the Cabinet were associated for the purpose of dispensing small sums of money voted to promote education. In 1839 to 1846, only £305,000 of money were thus expended for the whole seven years. In 1846 new members of the Committee gave invigour to the system, and in 1850 or in 1856, the annual expenditure amounted to £500,000. That is a rough modest enough in comparison with our present expenditure, and drew the attention of this House, and began to be uneasy as to the Ministerial responsibility under which the increasing Votes were administered. Accordingly, in that year, an Act was passed for a Vice President of the Committee of Council, who should sit in the House. Sir George Grey, who introduced the Bill, said—

The Bill authorized the appointment of a Vice President, who would be enabled to have the House of Commons, and would be a responsible Minister there in all matters connected with education, so far as the Government were concerned.”—[3 *Hansard*, cxliii.]

Lord Granville, in introducing the Bill to the House of Lords, confirmed that view, for he said—

“It would be desirable that some Minister should be appointed who should be responsible to the House of Commons for the proper distribution of the grants.”—[3 *Hansard*, cxl. 815.]

The Bill became law under the clear impression of this House that it had secured a responsible Minister, and under this conviction the educational grants were rapidly increased. The confidence of the House as to the responsibility of the Vice President was first rudely shaken in 1864. In that year there was a discussion as to an alleged mutilation of the Inspection Report, and a Vote, which my right hon. Friend the Member for the University of London (Mr. Lowe) construed into a censure, led to his resignation of the office of Vice President. The House then appointed a Select Committee on the subject, and before that Committee, the late Vice President gave evidence, clearly establishing that the Lord President is the responsible Minister, and that the Vice President only acts as his delegate. Lord Granville, who was then President, entirely confirmed this view, for he told the Committee—“I am responsible for the whole action of the Department.” The House looked upon that view of Ministerial responsibility in a serious light, and in the following year, they appointed another Select Committee to examine into the constitution of the Committee of Council. The Chairman of the Committee was Sir John Pakington. The Committee, among many other witnesses, examined three Presidents of Council—Lords Granville, Russell, and Salisbury. All of them stated that the Lord President alone was responsible for administration, and that the Vice President merely acted in his absence. The utmost that the Lord Presidents would concede, was that the Vice President might be looked upon in the House of Commons in the light of the political Under Secretary of a Department. The Committee then examined three Vice Presidents—Mr. Bruce, Sir Charles Adderley, and Mr. Lowe. They were in the main in accord with the Lord Presidents. The right hon. Gentleman the Member for the University of London (Mr. Lowe) said—

“No doubt, in a strict sense I was not responsible; but, in a loose and popular sense, I was responsible.”

The right hon. Gentleman the President of the Board of Trade (Sir Charles Adderley) scarcely admitted even that loose responsibility; while Mr. Bruce was scarcely more clear, when he said—

“I consider the President is wholly responsible; but for the reasons I have given, I cannot pretend to say that the Vice President is not also responsible.”

The Committee then examined Mr. Lingen, the Secretary to the Department, and ascertained from him that the irresponsible Vice President did nine-tenths of the work of the office. The Committee were obviously much struck by that statement, and closely examined the Presidents and Vice Presidents who came before them as witnesses, how far that was the fact. The replies were in substance, that though they had no statistical data by which they could apportion one-tenth of the work to the responsible Lord President, and nine-tenths of the work to the irresponsible Vice President, yet as a general statement of the relations between the two, Mr. Lingen's evidence was substantially true. The Committee of 1865 reported the evidence, and was re-appointed in 1866. In July of that year the Chairman presented his draft Report, which was to the effect that the constitution of the Committee of Council was unsatisfactory, and that the Education of the country should be made into a distinct Department under a responsible Minister of State. But, just as the Committee were about to consider their Chairman's draft Report, a change of Ministry occurred, and the Committee came to an untimely end. The succeeding Government, however, under the administration of the right hon. Gentleman the present First Lord of the Treasury (Mr. Disraeli), were obviously satisfied that the Committee had made out a case, for the Duke of Marlborough introduced a Bill, in 1868, to create a sixth Secretary of State, for the purposes of public education. I have now brought the history of the subject very close to the year 1870, when Parliament resolved to convert a mere contributory into a national system of education. This has vastly increased the importance of the whole question. In 1865, when the House took alarm at the deficient responsibility, the Votes granted to the Committee of Council were £840,000. They have rapidly increased, year by year, and are now £1,852,000. That sum includes

£278,000 for the Science and Art Department. That Department might be dove-tailed with great advantage into the Educational Department; but each is afraid of the other, and they are run on two contiguous and parallel lines of rails, with few crossings, lest they should come into a violent collision. Notwithstanding the large increase in the Votes for Education, yet we still remain in the same uncertain state of Ministerial responsibility as to their administration. If the Lord President be the responsible Minister, is it consistent with our jealous care for public money, that the responsibility for such a large central fund should almost invariably rest with a Member of another House? And even assuming that the Vice President has the sort of responsibility of an Under Secretary of State, is there another instance of such large Votes being moved and explained by a Member of that standing? Though, in theory, and in fact, the Vice President possesses no actual responsibility for administration; yet remember that this large spending Department has its great Parliamentary business in the House of Commons, though its responsible Chief is all but invariably in the House of Lords. My right hon. Friend the Member for Bradford (Mr. W. E. Forster), when Vice President, had incessant educational duties in this House. We, as the Representatives of the people, naturally took the deepest interest in the Bill of 1870 which dealt with the education of the people. My right hon. Friend received the credit as well as the unpopularity of that great measure. Upon whose head did the League pour out the vials of its wrath? Was it upon the responsible President, or the irresponsible Vice President? We all know that not only this House, but the whole nation looked upon my right hon. Friend as the Education Minister *de facto*, if not *de jure*. And for that prominent work he was made a Cabinet Minister. Let us consider what an anomaly that was. A subordinate Minister, ranking no higher than Under Secretary of a Department, was sent into the Cabinet on terms of equality with his Chief. If the irresponsible subordinate differed from his responsible Chief in opinion, he was in the Cabinet with full power of defending his own views and upsetting those of his Chief. Such a state of things could not have lasted a week, had the Government not viewed the Vice Pre-

Mr. Lyon Playfair

nt in the House of Commons as the Minister of Education. And yet, his time, though the Vice President nine-tenths of the office, as well as he Parliamentary, work, it was the sident who dispensed all the patron-

The Vice President, who ought to ver, and was made to answer, to us for ientadministration, could not appoint iple officer to make that efficient. I e only a single instance to show how works. Some years ago, the ountant at South Kensington was d to have made an improper use of lic money, and the circumstance inquired into by the Committee of lic Accounts upstairs. My right Friend the Member for Bradford . W. E. Forster) attended as a witness was asked—"Do you think, in your tion as Vice President, you were ified in retaining the Accountant at h Kensington?" To which he ied—

in the first place, I wish to take all proper e to myself, but I have no power of ding or appointing: that entirely rests with ord President."

ink that the House will agree with hat that unsatisfactory state of edu-onal administration ought not to be inued in the new condition of national ation in this country. In proposing lect Committee, I have no intention it should travel over the same ground he Committee of 1865 and 1866. y had a limited reference, for they simply to inquire into the constitu- of the Committee of Council, and did that work in an exhaustive way. ew Select Committee would require nsider the altered relations of edu-m to the nation by the Act of), and the means of bringing under administrative Department the nu-ous collateral and outlying edu-onal Votes. When the Conservative istry of 1868 brought in their Bill a sixth Secretary of State for Educa-, they too, like the Select Committee, : too narrow a view of his functions, were opposed on the ground that, in then condition of primary education, e was not work enough to justify the e. Few would be inclined to make objection now. Lord Russell, even ar back as 1865, saw that the time coming when a distinct education arment might become necessary, for aid—

"If the system of education become extended, then a Minister for the sole purpose of Education would be desirable and almost necessary, because Parliament would look for the responsibility of a single Minister, and, under the present divided system of the Department, there was not full responsibility."

A Select Committee, having to consider the question now, would find ample work for a Minister of Education, even if they took away from him the care of cattle, and limited his functions to the removal of ignorance and vice among the people, plagues far more formidable than those among cattle, which, with a strange anomaly, are made to distract attention from the education of the people. Strangely enough, this great increase of education, which Lord Russell foresaw would necessitate a responsible Minister, has lately been used as an argument in "another place" for having none. The argument, there, was that, though the Government of 1868, under the present Premier, was justified in proposing a sixth Secretary of State, the Government of 1874, under the same Prime Minister, would not be so justified, because in the meantime education had taken such a large development. In 1868 the State only subscribed to the efforts of others, now it is charged with education as a national duty, and is responsible that every child in the Kingdom is educated. How that great increase of responsibility, and new imposition of a national duty lessen the importance of a Ministerial office. I do not pretend to understand or to answer; for no contention can be necessary to prove that a major duty is greater than a minor duty. Even, as long ago as 1856, such a high authority as the late Earl of Derby thought that the time had arrived to take away the education from the Privy Council and place it under a single responsible Minister. It has lately been denied that Lord Derby entertained these views, so I will quote his own words from *Hansard*. He said—

"The time had arrived when there should be a separate Department established, especially charged with the education of the country, provided over by a Minister immediately responsible to Parliament. . . . He had a strong feeling that the institution of a Minister of Instruction at the present moment was desirable; and that the subject should be altogether separated from the Privy Council."—[3 *Hansard*, cxi. 815-16.]

But that suggestion, which Lord Derby made so long ago, is now said to be

viewed unfavourably in the eyes of the present Government, which also made it in the Bill in 1868. The noble Duke who now is Lord President is known to have put forth the *ad misericordiam* argument—"If you take away education from the Lord President, you leave him nothing to do." Well, that argument has some force, but it may be met. Whenever my hon. Friend the Member for Swansea (Mr. Dillwyn) proposes to abolish the office of Lord Privy Seal, the Government reply that a Minister without a Department is a most useful and even necessary adjunct to the Government. That may, however, be true of one Cabinet Minister, and yet it may not be true of two Ministers. In that case, the Lord President of the Council, when he has nothing to do, may coalesce his office with that of the Lord Privy Seal, who has also nothing to do; and thus, without adding to the number of Cabinet offices, a place may be had for an Education Minister, for whom I am sure that a Select Committee could carve out work that would occupy all his time and energies. For such, a Select Committee would never dream of confining his attention to mere primary education, but would confide to him very important duties in promoting Science and Art. A new Select Committee would not only observe a large increase in Votes for primary education under the Committee of Council, but also for the same purpose among other Departments; and they would note the steady rise in expenditure for Science and Art, including galleries and museums. In regard to them they would find either that there is no Ministerial responsibility at all, or one of the loosest and most unsatisfactory kind. Take, as an instance, the Vote for the British Museum. Here we have a national museum receiving a Vote of £100,000 under irresponsible Trustees. That large Vote is actually moved by a private Member, my right hon. Friend the Member for the University of Cambridge (Mr. Walpole), to whom no responsibility of any kind attaches. In 1862 this anomaly was brought under the attention of the House, in a powerful speech, by the present First Commissioner of Public Works (Lord Henry Lennox). On that occasion both the late and present First Lords of the Treasury admitted the necessity for Ministerial responsibility. My right hon. Friend

the Member for Greenwich (Mr. Gladstone) then said—

"I admit that there is much to be said in favour of the general principle that the expenditure of money, with a view to the promotion of Education, Science, and Art, should be placed under the control of a single responsible Minister."—[3 *Hansard*, clxv. 1788.]

My right hon. Friend went further, and stated this was and ought to be the aim of the Government. The present Prime Minister (Mr. Disraeli) on that occasion was equally emphatic in accepting that principle, for he said—

"There is no reason why the control and management of these collections should not be vested in one responsible Adviser of the Crown."—[*Ibid.* 1800.]

Precisely the same view has within the last few months been expressed by the Science Commission. But, tempting as an allusion to the scattered Votes in Class IV. is to me, I will not refer to them in any detail, because they are to form the subject of a distinct Motion by my hon. Friend the Member for Sheffield (Mr. Mundella). I glance only at the National Galleries for Art. The National Gallery in London is under Trustees, but has a sort of hybrid connection with the Treasury, though that is not constituted as an administrative Department. So is the National Portrait Gallery, the trustees of which are getting up an interesting collection, though they fail to interest the public in it. Again, in Edinburgh and Dublin we have National Galleries of Art managed under the loosest responsibility. With the exception of that in Edinburgh, all these galleries are so disjointed that the Government Schools of Art get no benefit from them. If South Kensington evoke their aid for its Art Schools, the Trustees of the National Galleries, paid for by the State, become indignant. See how that disjointed system works. The British Museum and South Kensington Museum exhibit the same class of Art objects. The Metropolitan Museums jostle each other in the strangest way. Thus, the active Herbarium at Kew finds itself in the way of the passive Herbarium at the British Museum. The Geological Museum in Jermyn Street finds its collections repeated in Bloomsbury. And all of these institutions, save South Kensington, refuse to aid the provinces. They are suffering from a plethora of collections; their duplicates, their specimens, their redundant pictures, are

Mr. Lyon Playfair

packed away in boxes or are rotting in cellars; but if the provinces humbly sue even for a temporary loan from them, their deputations are sent away with the scantest courtesy. All these institutions might be readily co-ordinated, and might be made to co-operate for the advancement of Science and Art, but each at present prevents the development of the other. Our Art as well as our Science institutions are dissipated by disassociation. They ought to aid each other, but, instead of doing that, they fight with scarce concealed hostility, and anyone who will take the trouble to place into two parallel columns the museums and galleries managed under direct Ministerial responsibility, and those managed by irresponsible Trustees, will get a singular illustration of relative activity and passivity. Before leaving this part of the subject, I would simply refer to the fact that, besides these higher museums and galleries, considerable Votes are given to Universities—the Scotch Universities, the Queen's University in Ireland, and the University of London. The Home Secretary, who now is chiefly a Minister of Police and Justice, appoints the Regius Professors in the Scotch Universities, while the Lord Lieutenant appoints those in the Queen's College, but neither has to do with their administration. Whether the funds voted are applied productively or unproductively, the House has no knowledge. In addition to the Votes which I have thus glanced at, there are large educational resources scattered through the Kingdom, part of which have been brought into connection by a loose thread with the Committee of Council. I allude to the endowed schools. The House will recollect how startled it was by the Report of the Endowed Schools Commission, which exposed a system of waste, jobbery, and mismanagement of funds amounting to nearly £600,000 a-year. Unhappily the House possessed no Minister of Education to whom it could entrust the reform of those schools, though the Vice President of the Council (Mr. W. E. Forster) was a man capable of the task, if he had possessed the power, and so it delegated its legislative authority to a Special Commission, which still exists. But a delegated Legislature contains no opposition, and is apt to go forward on its own internal lights, without the external aid of public opinion

to strengthen and modify its judgments. And although this delegated Legislature has done much good work, yet as a machine it has produced heavy friction, and its bearings on various occasions have become strongly heated. The Commission have frequently been out of accord with the other House, and sometimes with a large minority of this. But suppose all their work had been done in the easiest way, no provision has been made for keeping efficient the schools which they reform. In a few years these will slide back to all their abuses. You resolved that the endowments which had been usurped by the rich should be restored to the inheritance of the deserving poor. You determined to grade schools so as to suit different ages and classes, and you planted the bottom of the ladder of secondary education in our primary schools and rested the top on our Universities, so that all who were able to climb might use it. But you have as yet given to no Minister the power to see that your wise intentions are fulfilled. Schemes are made for the reform of schools; but there is no inspection of them to see whether the schemes are working well or ill. They may succeed, or they may utterly fail; but we are not a bit the wiser, for no reports are made to us, or to anyone, as to the results, nor does any person possess the power to inquire into their working. If you had a Minister of Education, it would be his duty to find out the defects of the secondary system, and to apply to you for new powers to carry out reforms in regard to them. An Education Department, such as we now possess, can do nothing but administer a Parliamentary instruction; but a Minister of Education, responsible for the progress of education as a whole, would require to keep his eye open all round, exercise the powers which he possessed, and ask for new powers when they became necessary. And Parliament would readily give these to a responsible Minister, working with a Government in the face of an Opposition, when it would never entrust them to the delegated authority of an irresponsible Executive Commission. These remarks are as applicable to Scotland and Ireland as they are to England. In Scotland the endowments are £170,000 per annum, and are as wastefully and unproductively employed

as in England, if we except a few lately reformed. In Ireland the endowments are about £40,000 a-year, and are still more wastefully used. In all, the endowments connected with education have an income of £800,000 per annum, a sum ample to organize an efficient scheme of secondary education. Including in one sum the Votes under Class IV., the endowed schools and some outlying Votes for primary education to which I will presently allude, we have a grand total of £3,925,000, which we may easily call £4,000,000, as our increase for this single year has been more than £100,000. That annual sum is so large that a Select Committee might well be employed in bringing its scattered members under a responsible Administration. But it would be affectation to pretend ignorance that my Motion is opposed by the noble Duke who is now Lord President (the Duke of Richmond). The noble Duke is known to entertain the opinion that a Minister of Education already exists, and that he has the honour to be that Minister. Considering the knowledge and capacities of the noble Duke, I could have no difficulty in viewing him in that light, if I believed that the office of Lord President entitled the noble Duke to claim such a distinction. But all that I can admit is that the noble Duke happens to be the Ministerial manager of a large number of primary schools. If the noble Duke be content with the title of Minister of Primary Schools of a very low order, I do not think that he is justified in claiming even this humble distinction. The Lord President has nothing to do with primary schools in Ireland, for which we Vote £540,000. That large Vote is administered by irresponsible Commissioners, who have recently shown how little they care for Parliament by their conduct in the O'Keeffe case. Why should they be free from Parliamentary control? In Scotland there is also a National Board to protect Scottish peculiarities in education, but it is subordinate to the Lord President. Why, then, should we continue to Vote more than £500,000 to Ireland without Ministerial responsibility? Even in Great Britain, the Lord President does not take charge of all the primary schools, for there are outlying Votes for the purpose scattered among various Departments. The Home Secretary receives £240,000 for reformatory and industrial schools. The Pre-

sident of the Local Government Board has £44,000 for pauper schools. The Secretary at War receives £64,000 for military primary schools. I cannot make out clearly how much the Admiralty take for this purpose; but as they maintain and train 7,000 boys, I put it at £200,000. All these outlying schools were at one time under the inspection of the Committee of Council, who threw them off as inconsistent with the mechanical working of the Revised Code. Certainly, I cannot admit that the Lord President of that Council is a Minister of Education—not even a Minister of Primary Schools. As to a Minister in the larger sense, I deny that he has a particle of claim to such a distinction. He has not even succeeded in dovetailing into his own limited Department the Schools of Science and Art for which he is responsible. I have not considered it necessary to prove my case for inquiry by showing how the system of management even of the primary schools has failed to educate the country. I do not mean to attack the administration of the Committee of Council in the work entrusted to it, for it has nothing but petty duties to perform, and so far as it has power, it has done these petty duties sufficiently well. But what I contend is, that the system under which the Committee works does not enable it to educate the country even in primary subjects. Year after year, the Education Department reports its own failure to this House. This year it tells us that of the children who ought to pass in Standards from IV. and upwards, only one-fifth did so, and four-fifths failed. That really means, all the rest were so under-educated as to lose the little education they had received in two or three years' wear and tear of life. This is a practical confession of failure in our educational system, or rather want of system. If a Minister entrusted with the true education of the people had under his charge the secondary endowed schools of the Kingdom, and also the higher institutions for which we annually pass large Votes, he would not be content for a day with the miserable results of our primary schools. He would use the other resources at his disposal as means for developing the lower education. He would no doubt bridge over the chasm between the primary and secondary schools, and he would soon be satisfied

that Standard IV., the summit of his ambition at present, is a very rotten bridge for the purpose. There are many circumstances which would stimulate such a Minister to action. He would find that political power had been transferred to the people, many of whom are still uneducated. He would learn that an uneducated people represent a nation one or two generations back in its history. They cannot grasp the ideas of the age in which they live, and are powerless to shake themselves free from the prejudices which the progress of thought has proved to be dangerous error. Such a Minister would carefully watch the conditions affecting industrial progress, and would try to fit our artisans to hold their own in the increasing competition of nations. It would be his interest, as well as his duty, to draw out of the lower schools youths of intelligence and promise, who, by a larger education, might add to the intellectual fund of the country. And last, but not least, a Minister of Education would feel it to be his duty to use the resources at his disposal for the advancement of Science and Art, which, even in their abstract relations, are the mainsprings of progress. I am presenting no highly-coloured picture to the House, for I simply describe the combined educational system which forms the duty of a Minister of Education in foreign countries. In this country there is no Minister of Education. There is only a Lord President of the Council, who is content to remain the manager of a very low order of primary schools, and of a few disjointed schools of Science and Art. I have shown that there are ample materials already existing in this country to form an important Ministry of Education. No other nation in Europe spends anything like what we do for education out of Imperial funds, and yet how poor is our return for the outlay. Not on account of deficient educational materials, for they are abundant, but because they are not used for a common purpose. In reflecting on our poor returns for that large expenditure, I am often reminded of the story of the many people who resolved to build a great edifice. They set about their work very heartily, and collected all sorts of building materials—stone, brick, wood, and iron—till the very ground was cumbered. Then they began to quarrel among them-

selves as to which material should be used for the building. Anyone would have done; two would have been better; but all brought into useful combination would have been best. They could not agree as to the plan, or even as to the position of the front door. Some wished it to open upon the *via antiqua*, others upon the *via moderna*; some wished the building to face the temple, others the City. And so they continued their strife, and the edifice remains to this day a mere castle in the air. Is there no analogy to that in the strife of our Churchmen and Dissenters, our Humanists and Utilitarians? Our materials for the progress of Education, Science, and Art, are abundant, but they are thrown together in the wildest confusion. It is time that we should get order out of disorder, for the problem in the future of nations is to organize the forces of war and the forces of peace in the most intelligent manner. The competition among nations for the future will be one of public intellect. It is in this belief that I invite the House to consider the defective organization of our disjointed educational systems. I have approached the question in no party spirit. I have quoted the opinions of four Prime Ministers, two being Conservative and two Liberal, in favour of my proposal. I have proved to the House that even when Ministerial responsibility exists in relation to the education of the people, it is not to be found in the House of their Representatives. There have been exceptions, but in practice the Lord President is always a Peer, and upon him the people, whose education is at stake, can exercise no immediate or direct influence. It remains for the House to decide whether, with the large and rapidly increasing Votes for Education, Science, and Art, they are content to let things remain as they are. Sir, I conclude by moving that a Select Committee be appointed for the purpose I have named in my Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider how the Ministerial responsibility under which the Votes for Education, Art, and Science are administered may be better secured,"—(Mr. Lyon Playfair.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. J. G. TALBOT said, that no one could have listened to the speech just delivered without feeling that the subject was one which was well worthy of consideration; but still, before a Select Committee was appointed, they should consider the gravity of the question which was brought under their notice. The appointment of a definite Minister of Education would be an addition to the existing Government of the country, and the House could hardly be expected to agree to such a proposal upon the Motion of a private Member, however distinguished. It could only be done upon the advice and responsibility of the Ministers of the Crown themselves. The right hon. Gentleman had said there was no Education Minister. Strictly speaking, he was correct; but they all knew that a Minister of Education did practically exist; that upon the Lord President of the Council devolved the responsibility of the education of the country, and that the Vice President of the Council was as responsible to the House of Commons as any of the Under Secretaries of State were. Instead of adopting the suggestion of the right hon. Gentleman, he would rather take away from the Lord President and Vice President of the Council those duties connected with their office which seemed somewhat heterogeneous, and not germane to their functions, for, by doing so, they would remove one complaint of the right hon. Gentleman as to their having too much to do. His noble Friend (Viscount Sandon) was well adapted for the Education Department; but he was not aware that he had any special aptitude for dealing with matters relating to the cattle plague or agriculture, which belonged also to his office. It could scarcely be urged as a reason for the appointment of a distinct Minister of Education that the present duties of the Lord President and Vice President were too heavy, because they could not forget that in addition to his other labours, the right hon. Gentleman the late Vice President (Mr. Forster) had charge of the Ballot Bill during its progress through this House, although that measure was not immediately connected with his own Department. He must confess

that he was somewhat alarmed at the suggestion that there should be a Minister of Education to superintend the whole system of education in the country, including the Universities, the public schools, and the endowed schools, because that brought him a vision of a great bureau conducting the whole education of the country. He had no liking for everything being placed under a Department of the State; and he especially objected to that being done in reference to education, as to which so much had been founded upon the old lines of self-reliance and independence, and the voluntary efforts of the people themselves. He also apprehended that if the proposition were carried out the whole education of the country might be conducted upon the principle of the Cowper-Temple Clause; and he did not think that what was proposed would recommend itself to the public opinion of the country.

MR. W. E. FORSTER said, the question which had been brought forward was a very important one, and fitting for the House to discuss. When a Member of the late Government, he had formed rather strong views with regard to it, though he wished it to be understood that the remarks he had to make to-day were delivered for himself alone. Speaking, then, for himself only, he was disposed to concur in the view which had been taken by the Cabinet of 1868, when the present Prime Minister was at the head of the Government, and by the Duke of Marlborough, as President of the Council, rather than in that which was attributed to the noble Duke who now filled that office. That noble Duke (the Duke of Richmond) was reported to have said, in "another place," in answer to those who contended that there ought to be a Minister of Education, that there was such a Minister, and that he was that Minister, adding that there was another Minister, were he called an Under Secretary of State or Vice President of the Council, who was a second Minister of Education, and that nothing was more clear than that the Lord President was responsible for everything which went on in his Department. The first objection he (Mr. Forster) had to those words was, that they struck him as implying not that there should be some kind of Under Secretary or Vice President representing education in that

House, but that it should be the rule that the First Minister of Education should be in the other House—a rule to which he should strongly object. He should probably be told that legally there was no such rule; but hon. Members knew that practically it was the rule that the Lord President should be a Member of the House of Lords. There was only one exception to it in recent times, and that was when Lord John Russell was for a short time President of the Council; and that was one of those exceptions which really confirmed the general rule. In his opinion, it was not fair to the House of Commons that such should be the rule, because the Department of Education was becoming a very large spending Department, and its expenditure was likely to increase year by year. The Education Votes amounted to £1,800,000, and if the collateral expenditure was taken into account, they would exceed £2,000,000, and these sums were likely to increase, since it was desired that they should, if the money was rightly expended. It was not a good rule that the Education Vote should be moved by one who was second in command, affecting as it did, every constituency in the country, and being, therefore, a subject in which every hon. Member of the House of Commons was interested. What would be said, he should like to know, if the Secretary of War were necessarily a Member of the other House, and the Army Estimates had to be virtually discussed and settled in the other House? It would, no doubt, be said that the sum dealt with under the Education Votes was a very small one in comparison. That was true; but the matter was one which specially concerned the House of Commons. Those Votes, as he had said, affected localities, and therefore were of a nature to enlist in a special degree the interest of the House of Commons. It was most undesirable, in his opinion, therefore, that the Minister specially charged with the duty of supervising education should, by a rule, be necessarily a Member of the other House. The next ground he took was that the present arrangement was not one that was calculated to promote the efficiency either of the Department or of the education given. It was an arrangement that was very unfair to the Vice President, and still more so to the President himself. The Lord Pre-

sident was a high officer of State, but he was not chosen merely with a view to his fitness for administering educational affairs, whilst the Vice President was chosen on that account. Knowing how admirably both the Duke of Richmond and the noble Lord the Vice President were fitted to discharge the duties of their offices, he felt more free to express his opinion on the general disadvantage of the present system in this respect. The daily detail of educational administration was supervised by the Vice President; he must do the work, and must also defend it in the House of Commons; and it was to him that the House and the country looked as being the practical Minister of Education, while, nevertheless, he might be controlled by the Lord President. He did not say that such a system was not likely to work well; but if it was to be permanent, it was not likely to work best. It reminded him of the Japanese Government, where the visible Minister was controlled by the invisible Minister. He felt that he should be taking away much from the force of his argument when he stated that he had worked in perfect agreement with his old and intimate Friends (Lord Aberdare and Lord Ripon), and as Lord Ripon was President of the Council during most of the time he was in office, he could not help saying how he had been struck by the remarkable ability, clearness of conception, and rare combination of courage and unselfishness which he displayed in discharging his share of the difficult work which had been entrusted to the Education Department by the late Government. He was, indeed, always willing to accept responsibility himself, while leaving those who worked with him ample freedom of action. But notwithstanding his agreeable relations with those noble Lords, he thought the system a bad one. It was the undoubted fact that the whole patronage of the Department rested, both by precedent and custom, with the Lord President—a rule which had worked very pleasantly for him personally when in office, as it had saved him from considerable trouble and difficulty; but he never could persuade people in the country that the Vice President, who had so much to do with education, did not appoint the Inspectors and examiners, and up to the present moment he was credited or discredited with those

appointments as they were regarded as being good or the reverse. He thought that that circumstance was a sufficient proof of the inconvenience of the present system. His strongest objection, however, to the present system was that he did not believe that it was calculated to promote the progress of education. The Duke of Richmond was a man who had a great knowledge of business, and if he had had the actual charge of the Education administration, he would not have described the working of the Department as he had done. The noble Duke appeared to think that any Minister with a very slight acquaintance with public business would be able to deal with the work, and that as long as the Department carried out the Act, it did its duty; but in his (Mr. Forster's) opinion, the duty of the Department went far beyond that. It would have not only to carry out the Act, but to see that the schools were efficient. The work of the Department was not a work which, once done, was done for ever, but it had to see that the system of education kept pace with the requirements of the time, whether administered by voluntary schools or by school board schools. Then there was the enormous difficulty of non-attendance to be overcome, either by direct or indirect compulsion, or by both. There would also be an increasing sum voted year by year for primary education, which would have to be administered by the Department, and the House of Commons and the country would from year to year expect as much education as possible to be obtained from the sums voted by Parliament for that purpose. Therefore it would be the business of Parliament and that of the Minister to devise how the utmost education could be obtained from the Grants, and given to the children for whom it was intended. There were many other matters which should be considered in connection with this question. The Science and Art Department, for instance, which was a growing Department, and must continue to be so, was one through which the Government had set to work to bring scientific and artistic education home to the general population. It was most important that they should not provide too high an education at the expense of the public; but it was equally important that these things should work together

with the business of primary education. He was glad to find that the present Government had resolved, as the late Government had, to arrange that the Permanent Secretary should be Secretary of the Departments of Primary Education and of Science and Art. Then, again, there was the question of the Museums; and he agreed with his right hon. Friend the Member for the University of Edinburgh that, so far as the Government had to deal with those institutions, they ought to be dealt with by the Minister who had charge of the Education Department. The same observation applied to the Universities. They had had University Bills, and doubtless they would have such Bills again, and he was strongly of opinion that they should be brought in by the Minister of the Government who was responsible for educational matters. All that would furnish a great deal of work—of constant and increasing work—for such a Minister, if England hoped to overtake Germany in the matter of education. The people of this country had through their Government to fight against ignorance, which was a misery to many and a danger to all, and they were not so likely to win the battle if they had not a really responsible general. The principal field of that struggle was the House of Commons, and there the general should be. He did not say they might not have Ministers of talent in the House of Lords, or that the present Lord President could not fight the battle; but, generally speaking, the question most concerned this House, and would have to be fought here. One great question, which could only be considered in that House, was, how much should be spent in carrying on the great work of public education; and then, too, would arise the contest between those who wished to do the utmost that could be done, and those who desired to protect the pockets of their constituents. In this House, therefore, should be the Minister responsible for an economical and, at the same time, efficient expenditure on education. They had now a rating system which involved the question how far they were to levy rates and how far they were to save them, as well as the relations which should subsist between the rating system and the old system of voluntary schools. All those questions would continue to beset the

educational duties of the Government, and they were of especial interest to the House of Commons. Then, again, the Vice President must, he thought, expect to be in the future, as he certainly had been in the past, pretty hard knocked as well as very hard worked, and this also made it desirable that he should be at the head of the Department. If he continued to be subordinate he would not be so ready to initiate policy, but might be tempted to shift the duty and responsibility of doing so upon his Chief. He did not understand that his right hon. Friend the Member for the University of Edinburgh's views went so far as the resolution arrived at by the Cabinet of 1868 did, as to the appointment of a sixth Secretary of State. That was a fair subject for discussion when the proper time arrived. Nor had much stress been laid upon the desirability of continuing the Committee of Council; for, after all, the Committee of Council being a Committee of the Cabinet, matters would remain in that respect practically as they now were. Then, as to the Veterinary Department; he was of opinion that if the Vice President became Minister of Education, it ought to go somewhere else, and that the Board of Trade was its proper place. The objections taken to his right hon. Friend's proposals were two-fold—first, that it was inadvisable to increase the number of Cabinet Ministers; and, next, that it was inadvisable so to deprive the Lord President of work, that he must either become, as had been said, a veterinary surgeon, or hold a position like that of the Lord Privy Seal, irresponsible, and with no work to do. But these objections really answered each other. If it were a condition of the change that the Minister of Education should not be in the Cabinet, then, however anomalous the present system was, it ought not in the interests of education to be altered. The right hon. Gentleman at the head of the Government, with the discretion which a Prime Minister ought to possess, had diminished the number of his Cabinet, and he believed it was the general feeling that the right hon. Gentleman had acted wisely in doing so; but he was not quite sure that those who were interested in commerce or local government, or the government of Ireland, would continue to be satisfied if those who were responsible for those

Departments were not in the Cabinet. Looking upon the matter as a common-sense arrangement, the way to keep the Cabinet small in numbers would be not by keeping out of it the representatives of Departments which had a great deal of work to do, but by putting them in the place of Ministers who had no work to do, and who were, in fact, the representatives of no Department. If the Lord President ceased to be a Minister of Education, what would happen? There would be three Ministers in the Cabinet instead of two, who would have very little special departmental work to do—namely, the Lord President of the Council, the Privy Seal, and the Chancellor of the Duchy of Lancaster. In reading the debates in the House of Lords on this subject, he found that two practical suggestions had been made. One of these suggestions was, that the Premier should be Lord President of the Council; and the other, that the offices of Lord President of the Council and Lord Privy Seal might be merged in the same person. As far as he was personally concerned, he could see no great harm as far as questions of precedence were concerned, which would be likely to result from adopting, at any rate, the second of these suggestions. It might be asked why the late Administration did not carry out the policy accepted by the Government in power in 1868, and now brought before the House in the Motion under discussion. In answer to that, he must candidly admit that he did not profess to speak the opinions of his late Colleagues. But, even if he did, it must be remembered that the late Government were so much pressed with work on the question of education, that it would have been very difficult to make a change. To use an illustration drawn from the experiences of his early life, he might say that when a man was full of orders he did not shift his machinery, however advantageous he might think a change might be. The present Lord President having stated that just now there was a lull in the work, he (Mr. Forster) asked the Government to reconsider the arguments which convinced them in 1868 that a change such as was now proposed would prove advantageous.

MR. DISRAELI: Sir, I very much object to the doctrine now in circulation, that particular appointments in the

Government should be reserved for particular Houses of Parliament. There are certain general principles which must and always will influence any Minister in the formation of a Government. It is desirable, no doubt, that what are called the spending Departments should be represented in the House of Commons, and I do not think any one can charge me with indifference upon that point, for on the two occasions on which I have had the opportunity of attempting to recommend to Her Majesty a body of Gentlemen to administer the affairs of the country, those who have presided over the Navy and over the Army had seats in this House. But if there happened to be in the other House a Member most markedly indicated as being capable of managing the affairs of either the Army or the Navy, we ought not for a moment to be so far influenced by the consideration that the House of Lords is not exactly the spending Department of the State, as to preclude the Sovereign from having the advantage of the services of so distinguished a person. While upon this subject, I may say that up to within a very recent period, Government was precluded by Act of Parliament from including as Postmaster General a Member of this House—and it must be admitted that the Postmaster General presides over one of the most considerable spending Departments of the country. It is only very recently that that Act has been repealed, and the consequence of that, both in the present and late Administration is, that we have had the presence of the Postmaster General in this House. A charge, too, has been made that the Lord President of the Council—viewed with reference to this debate as the Minister of Education—is always a Member of the House of Lords. The right hon. Gentleman the Member for Bradford and other hon. Members who have spoken, seemed for the moment to have forgotten that there is a distinguished instance the other way. [Mr. W. E. FORSTER: I referred to the fact.] The right hon. Gentleman certainly did seem to call the circumstance to his recollection; but he did it in such a way as to lead me to think it was not present with him in the original conception of his speech, but that as the debate went on he found it convenient to be more precise. Let me ask the House

what is the length of our experience on this subject. If the matter were one of centuries or dynasties, there might be some excuse for the precipitate and somewhat inaccurate inferences drawn from the facts; but it is only 35 years since the Lord President was called upon to fulfil administrative duties in respect to the education of the country, and during that period the Leader of the House of Commons has once occupied the position of President of the Council. [Mr. W. E. Forster: Only for two years.] Well, that was, I will not say his own fault, because one has a great respect for Lord Russell, but still it was not the fault of anybody else. The noble Lord occupied the post and he retired from it. He did this somewhat abruptly, and, if I remember rightly, his retirement created some astonishment; but at any rate, the fact furnishes a distinguished precedent to show that since the Lord President of the Council assumed these important duties in connexion with education, it has been found quite consistent with the formation of a Government, that the most important person in this House—Lord Russell was then Leader of the House of Commons under the Administration of Lord Aberdeen—should be President of the Council. And I can say further, without going into any unnecessary detail, but giving my own experience on the matter, that upon two occasions subsequently it has been contemplated that the President of the Council should have a seat in this House. Nor do I for a moment say that this is not an arrangement which may not frequently arise in the life-time of many of the younger Members who are now present. So much for the complaint of the right hon. Gentleman the Member for Bradford that the President of the Council always has a seat in the other House. Practically, I have shown that it is not so, and it is a course which we may prepare ourselves occasionally to experience. Therefore, I do not think that, when we remember the very short period the Lord President has discharged the duties in question, and when we remember the great exception I have already quoted, we can for a moment contend upon that ground—namely, that the Lord President has always sat in the other House—that there is any foundation for the Motion.

There are other grounds to which I will refer. It has been said further that nine-tenths of the business of the office is discharged by the Vice President and not by the Lord President. That is a quotation from some evidence given by a gentleman in the Civil Service before a Committee of Sir John Pakington or the Duke of Newcastle. I can only say that the observations are very loose, and at the same time express my opinion, that if we could cross-examine the official personage who made them, it is very possible the residuum of his testimony would assume a much smaller shape. The fact is, that the business of the office will always be divided according to the disposition of the men; as if we have a very first-rate Vice President—and I am glad to say we have had personal experience of such Vice Presidents of the Council in this House—there is no doubt that he will transact more of the business than his Colleague. But these are attributes of human nature and are not foundations for Select Committees. I would also, before referring to the principal question, make an observation on a statement urged in support of this Motion, to the effect that we ought to have a permanent President of the Council sitting in this House, because we ought always to have somebody responsible to this House. Sir, that is a new version of our Parliamentary constitution. I do not understand what is meant by having a Minister responsible to this or to the other House; but I understand what is meant by having a Minister responsible to Parliament, for that is what the country requires. It requires that in every branch of the Administration there shall be some one in either House of Parliament who can explain or vindicate its policy if called upon to do so; and, if he cannot do it, he, with his Colleagues, must take the consequence. The Government is as much represented, in any public statement of its policy, by an Under Secretary of State, as by a Secretary of State; and we, who know very well that it is utterly impossible for the satisfactory administration of the affairs of this country to have all the Chief Ministers of State in one House of Parliament, say that we should be clearly laying down principles which must weaken our own authority, and at the same time conveying to the country

a very false impression, if we adopted, in effect, the theory of the right hon. Gentleman the Member for Bradford, and said that at the present moment neither the Foreign Office nor the India Office are responsible to the House of Commons.

MR. W. E. FORSTER: I did not say that.

MR. DISRAELI: Perhaps not; but what I have stated is my ingenuous inference from the observation of the right hon. Gentleman.

MR. W. E. FORSTER: I took care not to state, for I did not think it, that the Vice President would not be responsible to the House of Commons.

MR. DISRAELI: Then, what are the complaints? We have, or I am much mistaken, had complaints for a considerable time from the right hon. Gentleman himself, that the fault of the present system lies in the fact that the Minister who primarily represents the Council is not responsible to the House of Commons and is not a Member of the Cabinet. I appeal to the House as to whether that is not a fair inference to be drawn from what has been said in support of the Motion before the House. An appeal has been made to me to support this Motion, because in 1868 a proposal was brought forward in the Cabinet, over which I presided, to appoint a Minister of Education, under the title of sixth Secretary of State to carry out the policy which the right hon. Member for the University of Edinburgh recommends to our adoption this evening. I think the right hon. Gentleman the Member for the University of Edinburgh has misapprehended the circumstances under which that policy was recommended, and I will, therefore, place them before the House, for I think they will throw some light upon the question. In 1868 there was a great feeling in the country that the state of our national education, or rather the state of our public education, was unsatisfactory, and the Government of the day determined to deal with the question. They believed that the voluntary system, as then applied, was not adequate to the circumstances of the case, and they had to consider whether they should appeal to local aid, which assumed the shape of the rating question, which had then begun to attract public attention, if not

What, he would ask, was the history of the Department? Thirty-five years had elapsed since it had been established, and it began with the administration of a grant of £30,000 for the purposes of education, while it was generally acknowledged that it carried into effect with efficiency the work with which it had been intrusted. But that was scarcely a fair estimate of what it had accomplished. It had found the education of this country totally unformed; it had every species of prejudice to contend with, and yet the result was that which was now to be seen throughout the land. It had not merely administered a system, but fashioned and created it, and had done things such as few Departments had achieved. It had taken up education in a most elementary state, and had succeeded in bringing it to a very considerable point of perfection. The House should, therefore, in his opinion, pause before it interfered with a Department which had proved itself to be so worthy of confidence. If it were to be altered it ought, he thought, to be on better grounds than he had heard urged. The great difficulties with which it had had to contend were connected with matters of religion, and it was in his opinion, highly desirable that there should be a Minister of great authority in the House of Lords to fight the battles of education against the jealousies and prejudices of the Bishops in that Assembly. Nor could he see that the cause of education had suffered in the least, because its interests had been committed in the House of Commons to the hands of a Minister of secondary rank. Such a Minister had to win his spurs; and being generally a man of ability, who looked forward to promotion, bestowed considerable pains on his work. That was one of the reasons why, in his opinion, the business of the Department had been so well administered. Now, if there were in that House a Minister of the first importance representing the Department, the result would be that if he made a mistake it would be immediately laid hold of for the purpose of injuring the Government of the day, though the question of education was one which it was desirable to remove as far as possible from the arena of party politics. He believed besides, that there were not in the Education Department materials to occupy

the whole of the time of a Minister of the first class, because its purpose being to administer public money on certain conditions, although the difficulty of laying down those conditions might be great, yet once laid down, the duty of seeing whether they were complied with belonged rather to the permanent officials than to the Minister; nor did he think it desirable that it should be otherwise, inasmuch as it was required the system should be worked steadily, so that those who had invested their money in setting up schools should know what they had to rely upon. It was clear, he might add, that the success which had attended the efforts of the Department was due mainly to its constitution rather than to fortuitous circumstances, and it would be therefore in his opinion extremely imprudent to effect such a revolution in it as was proposed. Having discharged an arduous duty most efficiently it required something more than mere theoretical objections to justify so great an alteration. As to the higher education of the country, he quite agreed with the right hon. Gentleman opposite (Mr. Disraeli) that nothing could be more undesirable than that we should have a Minister of Education in the sense which had been applied to it. He did not wish to see our Universities, middle-class, and public schools placed under the management of any Minister of the Government. He desired to see the Governing Bodies of those institutions possessing the independence which they now possessed, checked, if necessary, not by the discretion of a Minister, but by Rules laid down by Parliament. In his opinion they could not take a more retrograde step than to give to any person a general roving commission to interfere with every school, College, and University. Let them be content with what had been done, and not attempt to substitute for the true and genuine growth of public opinion and individual action, the maxims of a Government probably not half so well informed as the person who at present conducted the affairs of schools and Colleges. He hoped his right hon. Friend, under the circumstances, would be content with the ventilation which the subject had received, and not think it necessary to press the matter to a division.

Mr. Lowe

SIR JOHN LUBBOCK said, the question now before House seemed to be one which could be most effectively discussed by those who had had official experience, and he did not therefore propose to occupy the time of the House for more than a few minutes. He hoped, however, he might be allowed to say a few words, because as a Member of the Science Commission so ably presided over by the Duke of Devonshire, the subject under discussion had been much pressed on his attention. The Commission had not indeed reported on this question; nevertheless, the views to which his Colleagues had been led by the evidence were clearly indicated in more than one of the Reports already issued. It had been said elsewhere by a high authority (the Duke of Richmond), that the present pressure of work on the Education Department would be but temporary; that in a short time the various questions about school boards, rates of payment, payment of fees, &c., would be settled; and that the Education Department would then have comparatively little to do. Surely, however, it was a great mistake to suppose that the business of an Education Minister should be confined to questions relating to elementary schools. They must, he thought, take a broader view of the question. Moreover, that was not a question of time only, or of name, but also one of power. If, indeed, they had no educational endowments, it might be wise to leave the higher education of the country to the operation of natural laws, in the confidence that in the long run, the best schools would succeed in the struggle for existence. But even if such a course would be wisest under other circumstances, it was not applicable to the present state of the case. They had large educational endowments, but a system which was not even now in harmony with the present state of things, and which consequently did not produce the results which might reasonably be expected. He should indeed be very far from wishing to make Universities and great public schools mere Government institutions; such a course would be most unfortunate. But questions were continually arising which urgently demanded the attention of Government. If there had been a Minister of Education the endowed schools would not have

been allowed to fall into the condition in which too many of them were when the Endowed Schools Act was passed. Again, let them take the endowments of Oxford and Cambridge. A very large and influential body of Fellows had recently presented a memorial to Mr. Gladstone, in which they said that the present regulations connected with the tenure of Fellowships were highly unsatisfactory; that they were—

“detrimental to the efficiency of teaching in the University, and calculated to deprive her of the educational services of many of her ablest members.”

He might add that the Science Commission had reported unanimously in the same sense. Let them take the number of Fellowships. At Oxford there were about 370, at Cambridge about 350, and there was a very general opinion that that number was much too large. Lord Salisbury, the Chancellor of the University of Oxford, said that—

“Considering the amount of controversy that prevails on University questions, it is astonishing how great an agreement there is upon that point. I have heard from all schools, theological and political, in the University a coincidence of opinion that the present application of the revenues of Fellowships is exceedingly unsatisfactory.”

Again, let them take the distribution of the Fellowships. Out of the whole number, he believed that not above a dozen had been given for proficiency in natural science, while even as regarded the scholarships, those offered for natural science were only a small fraction of the whole. But then, the Colleges said, and said with some force, that they could not do more for natural science, because the subjects were not sufficiently taught in the schools; while, on the other hand, the schools did not teach it, because so few inducements were held out at the Universities. Both admitted that a change was needed, but each was waiting for the other. Here, again, the influence of some co-ordinating authority was much needed. Then, there was the management of their Museums. It was generally felt that the erection of the new Natural History Museum at South Kensington should be taken advantage of to effect a change in the Governing Authority of the British Museum; that, as recommended by the Science Commission, the national collection should be under the charge of Directors, responsible to a special

Minister of State. At present the different national collections were in competition, not in harmony. Then again, courses of lectures on science, accessible to all classes on payment of a small fee, should be organized in the great centres of population, and especially in the Metropolis, somewhat on the model of those given in Paris in connection with the Conservatoire des Arts et Metiers. Those lectures were attended last year by no less than 250,000 persons. It was true that in London, something of the same kind had been also done, as courses of lectures on experimental and natural science were now given in connection with the School of Mines. These courses had been most successful, but the accommodation was nothing like sufficient to contain all those who wished to attend, even under existing circumstances. If, however, the system were extended, more accommodation provided, and greater publicity given to them, it could hardly be doubted that the effect would be most beneficial. There were many other matters to which he might refer. The encouragement of original research, for instance, was not less important than any of these questions to which he had called attention, and perhaps hardly less difficult. The duties, then, of an Education Minister would be both numerous and important. So far from regarding them as to any extent temporary and provisional, he believed that, large as they were, they were still increasing, would increase, and ought to increase. As our country progressed in civilization, the education of the people would become more and more important, and though he should be sorry to speak with any undue confidence, still under these circumstances he hoped that the House would consent to the Motion of his right hon. Friend the Member for the University of Edinburgh.

MR. LYON PLAYFAIR said, that after the statement of the Prime Minister that he was alive to the desirability of reform in the Education Department as well as other Departments of Government, but that he thought it would be inconvenient at the present moment to precipitate a change, he would best consult the feelings of the House if he asked permission to withdraw his Amendment.

Question put, and agreed to.

Sir John Lubbock

EDUCATION DEPARTMENT—THE EDUCATION CODE.—OBSERVATIONS.

LORD FRANCIS HERVEY, who had given Notice of an Amendment—

“That the so-called Education Vote is ill-conceived, ill-worded, and ill-arranged, and requires thorough revision”—

which he was prevented by the Rules of the House from moving—said, that the present system was complicated and cumbrous in the highest degree. For instance, in regard to teachers, he found no less than 11 different kinds mentioned in the provisions of the Code. Moreover, by Article 42 it was laid down that none but lay persons were to be teachers in elementary schools, and the Education Department, in a gloss on that Article, explained that it applied not merely to men in Holy Orders, but to persons who might in any way be authorized to take part in the spiritual ministrations of the Church. The effect of that reading was to exclude members of the Association of Lay Helpers in the Diocese of London from work in the elementary schools. Again, while Article 43 declared that teachers in order to obtain certificates must undergo an examination, Article 59 intimated that for a certificate of the Third Class no examination was necessary. The Code had also provisions with regard to probationary teachers; but on inquiry, it appeared that there was no substantial difference between them and the certificated teachers, and that the distinction was a farce. With regard to the Third Class certificates which might be granted without an examination, it was a condition that the applicant should be not less than 35 years of age, if a man; and not less than 30 if a woman; and that for at least 10 years, he or she should have been a teacher in an elementary school. The result was, that a man over 35 and with 10 years' experience was put on a level with a hobble-de-hoy fresh from a training school. There was what was called a provisional certificate, but Article 62 said, it did not involve the issue of a certificate at all. Articles 63 to 66 were quite superfluous, as they were no longer applicable or in force. As to pupil teachers, the Education Department specified what the terms of agreement with them should be, instead of leaving the matter to the managers themselves;

but the agreement laid down was one which in practice was found not to hold water. He strongly objected to the present system of teaching children by children. The idea of brats of 14 or 15 years of age acting as pupil teachers and teaching other children scarcely younger than themselves was preposterous, and yet there were nearly 13,000 such teachers employed in the schools. He also objected to the training given to the trained teachers, which was calculated to make education run in one groove, whereby it would fail in being made interesting to the children or useful to them in after life. The regulations as to the Parliamentary grant discouraged endowments, although there was no good reason why because a school received a small income from endowments, it should be deprived of the Parliamentary Grant which it had justly earned. The arrangement of the Code was unsatisfactory, for it was not fair to place in small print at the end of it, conditions vitally affecting the terms on which the grant would be made, and beyond that it was very loose and ungrammatical in its construction. It was time that the Department should adopt business principles; that some precision should be introduced into the requirements imposed on managers, and that certain restrictions should be removed. If the noble Lord redressed these grievances and remedied the glaring defects of the Code, he would gain the thanks of every teacher and manager in the Kingdom.

MR. SAMUELSON, who had a Motion upon the Paper to the effect—

"That it be one of the conditions of the payment of a Parliamentary Grant to public elementary schools, whether voluntary or supported by rates, that they should, if required to do so by a competent authority, receive, free of charge, a fair proportion of children whose parents, not being paupers, are too poor to pay the school fees."

said, he would avoid, as far as possible, a renewal of the discussion on the 25th clause in respect of the education of the children of indigent parents. He drew attention to the strong terms of the Report of the Committee, just issued, in reference to the necessity for using every means in their power to bring the children of school age into the schools. The number of children of indigent parents who were sent to school by the operation of the 25th clause was infi-

nitely small, as proved by the smallness of the sums disbursed under that clause, and, in country districts where no school boards existed, the clause was, of course, entirely inoperative. He had it upon the authority of several clergymen, that they should wish to have school boards in their respective localities, but that they dreaded the differences and difficulties which the payment of fees by the school board would give rise to. The remedy that he proposed by his Motion originated with Sir Charles Reed, the Chairman of the London School Board. It had the approval of the Bishop of Manchester and of the senior Member for Birmingham (Mr. Bright), and would, he thought, meet the difficulties of the case. The course which he suggested would inflict no financial injustice upon the schools in question, inasmuch as the Parliamentary grant per head had increased from 9s. 5d. in 1866 to 12s. 5d., which was the estimated payment for the present year, the whole of which they would receive if the necessary requirements were observed, while as to any objection that might be urged on the ground of insufficient accommodation, it was shown by the Returns that the accommodation was far in excess of the attendance. He had purposely abstained from stating who should be the authority to remit the fees for those children, but in those districts where school boards were established, it would occur at once that they were the natural authority, and he saw no reason why in those places where no school boards existed the magistrates or guardians should not have the power of compelling the attendance of indigent children in the public elementary schools. That was a point, however, which he left to the decision of the Education Department. It had been suggested that the school-pence should be paid for those children out of the Consolidated Fund; but he feared that the result would be to produce a tendency on the part of local authorities to excuse payment for as many children as possible. It might be said that his plan would be only shifting the burden from the Consolidated Fund to the managers of the elementary schools, if they were compelled to take charge of those children of the very poor who were not actually paupers; but he thought there would always be such an amount of negotiation between the managers and

cause the Report goes on to say the Privy Council has recommended loans of £3,000,000 for additional schools. These will provide for 266,784 children, so that we shall immediately have accommodation for more than 500,000 of other children, while we have empty school accommodation already for more than 1,000,000. Now, Sir, just to give a bird's-eye view of the result of these figures, I find that we have accommodation now for 2,582,549, which is equal to 1 in 9 of the whole population of England and Wales, and in a well-educated country about 1 in 6½ ought to be at school at one time. But if you take the names on the register, the numbers are 2,218,598, or 1 in 11 of the entire population of England and Wales. If you take the average daily attendance, including night schools, the number is 1,528,453, or 1 in 15, being less than one-half the number which in a well-educated country ought to be at school. Of these, the number who made the requisite attendance to bring grants to their schools was 1,279,222, or only 1 in 19. and of that number only 888,000 had been instrumental in obtaining grants for schools on passing a satisfactory examination in reading, writing, and arithmetic, the others having been passed merely on account of their attendance. Now, my hon. Friend the Member for Banbury, very effectually I think, urged that all the poor children—whose parents not being paupers were too poor to pay the school fees—might be provided for without difficulty out of the surplus amount of accommodation in the existing schools. Then, Sir, referring to the last point upon which I shall trouble the House—namely the income of the schools—I find that in 1873, the Government grants were 12·9; paid out of the rates, 32·1; school fees, 9·7; loans for which the rates are liable, 45 per cent.; and the other sources only 3. My hon. Friend lamented this falling off of their resources, and the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) in his admirable speech on the subject, urging that one-sixth at least of the expenditure of voluntary schools should be provided by subscription, called attention to the fact that the subscriptions from voluntary sources had greatly fallen off. Now, in the preceding year—namely, 1872, the voluntary subscriptions from England and Wales came to

£2 6s. out of every £100. That was received by the schools from voluntary sources, and during last year the whole sum received was only 6s. out of every £100, thus showing that as Government steps in with its largesse, the benevolent people recede and discontinue their subscriptions. The real remedy for that state of things is to establish school boards and compulsory education in every parish in England. You will then fill the million of empty places that now exist. The system that is now pursued seems to me to be very much like as if the Secretary of State for War, with barrack accommodation for 100,000 soldiers, and not having soldiers to fill them, solely occupied himself in devising schemes for additional barrack accommodation; or if the Admiralty, without being able to get sailors to man the existing Fleet, were yet lavishly expending large sums of money in the construction of other ships. That is precisely the course we are now pursuing in regard to schools, and it behoves this House seriously to consider whether that is the right course. In Scotland there is not a parish that has not a school board, and if it were so in England, there would be good opportunities for getting the children educated. I am sorry for having taken up so much of the time of the House, but I thought it right to call attention to these facts.

MR. DIXON said, with reference to the Motion of his noble Friend the Member for Calne, he should not be able to follow him fully in his remarks, but, with the main portion of his Resolution he fully agreed. It seemed to him that it was not a wise and proper thing, scarcely, he might say, in accordance with constitutional rules, that they should permit a large number of public elementary schools to be managed by committees who did not subscribe anything, or who subscribed a small sum, towards the maintenance of those schools. That view was supported by the highest authorities. They had no means of ascertaining what the exact state of the schools might be, and it was impossible at present for the public to gain any accurate information. He had himself asked his right hon. Friend the late Vice President, if some means could not be devised whereby the information sought might be obtained, and he was informed he could not see how it was to

Mr. M'Laren

be done. Information was in the possession of the Department, but it was considered private. He did not agree with that view. [Mr. W. E. FORSTER dissented.] He saw his right hon. Friend shake his head, but he imagined he had stated the facts correctly. The accounts which the public desired to obtain were in the hands of the Department, and he thought the taxpayers, who had to provide, very frequently indeed, the one-half of the total sum spent in these schools, had a right to know how the money was spent in elementary schools under the management of private committees. The knowledge would, he held, not only benefit the particular school, but the district at large in which it was placed. School boards had very little power in the matter. A full representation of how the money was spent ought to be made to the taxpayer. He was aware that the answer to that was, that payments were made only by results, and that the Department had Inspectors' Reports on the schools. He thought the speech of the hon. Member for Edinburgh (Mr. M'Laren) showed that the results so obtained were of the most unsatisfactory character; and with reference to the inspection, that was really most inefficient. The number of Inspectors was entirely insufficient, and quite unequal to the duty that had to be performed; and, in fact, it scarcely came within the duty of the Inspectors to report on these schools in the manner that they now required. He submitted to the noble Lord (Viscount Sandon) whether the time had not now arrived when the question might be taken into consideration, and whether he might not throw open to the public in each locality some means by which the accounts from the denominational schools might be obtained.

Mr. EVANS hoped the noble Lord the Vice President of the Council (Viscount Sandon) would take advantage of the great opportunity now afforded to him of acting in accordance with the spirit of the Motions made by the hon. Members for Banbury and Calne, and further that he would consent to an alteration of the 25th clause of the Education Act, so as to save the country from the turmoil which it created in every town in England.

Mr. BIRLEY, although anxious that the Education Department should keep

a stringent control over the denominational schools, as well as over the board schools, was not prepared to believe that that object could be accomplished by giving the boards power over the denominational schools. As far as official tests went, the school board schools were at present inferior to the denominational schools, and as an instance of that assertion, the Manchester school board had passed a resolution to the effect that it was desirable to raise the efficiency of the board schools to those of the denominational schools. Although he trusted that in time that inferiority would disappear, still he should be sorry if the former were to entirely supersede the latter. It was the duty of the Government to enforce efficiency in the denominational schools as well as in the school board schools, but not to fetter them in any way by harassing restrictions.

VISCOUNT SANDON observed that a wide surface had been covered by the subject which had been brought before the House. With respect to the assertion to which his noble Friend the Member for Bury St. Edmunds (Lord Francis Hervey), sought to commit them, he could scarcely be expected to say that "the so-called Education Code is ill-conceived, ill-worded, ill-arranged, and requires thorough Revision." He was not responsible for, and was not, therefore, bound to defend, the Code, but he could not lose sight of the fact that it was the growth of the experience of able and thoughtful men who preceded him in the office he then held. He must therefore, decline to condemn the Code in so very hasty a manner as his noble Friend suggested. With respect to the proposals of the hon. Member for Banbury and the noble Lord the Member for Calne, the Government could not approach the subject from the same point of view as hon. Gentlemen opposite. He, therefore, thought there ought to be no mistake about what were the sentiments of the Government, and he at once said that the Government could not agree that the principle of the 25th clause was wrong. Their position as a Government ought to be clearly understood on this matter. The Government could not consent to the condemnation of that principle, because by so doing they would be committing themselves to a disapproval of grants to

denominational and other schools. Of course, the Government were not so bigoted as not to receive with great satisfaction the contributions of all sensible men who had spoken on a subject which had agitated the public largely, but they also had to consider whether the proposals now brought forward would do away with difficulties which existed in the minds of many good, excellent, and distinguished persons throughout the country, amongst whom there was a great divergence of opinion, and who had brought forward several schemes upon the subject. He must, therefore, express his entire dissent from the views expressed the other day by the right hon. Gentleman the Member for the University of London, to the effect that the 25th clause was a barrier to the cause of education. With respect to the proposal of the noble Lord the Member for Calne, he thought he need only point to the fact that the hon. Member for Birmingham (Mr. Dixon) had expressed a doubt whether it would to any great extent meet the difficulties of the case; and the hon. Gentleman gave no opinion as to the proposal of the hon. Member for Banbury, which was in itself quite distinct from that of the noble Lord. But it was plain that the proposal in question would be a breach of the contract with the voluntary schools which was contained in the 97th clause of the Elementary Education Act. It would place the voluntary schools at a great disadvantage as compared with the board schools, as the latter could fall back upon the rates, while the former could not. Again, in the event of a school being fully attended, were they to turn out the paying children in order to make room for the non-paying? And who was to determine the proportion of non-paying pupils a school should receive? Those children belonged to the very poorest class, and were sometimes unacceptable for physical reasons. He gave his hon. Friend every credit for his effort to solve the difficulty, but he could not admit that his proposal was a solution of it, for those were questions which should and must be answered before the House could think of accepting the proposal. Then, with respect to the suggestion of the noble Lord the Member for Calne, he would remind him, taking the gross income of the State-aided schools at

£2,100,000, the voluntary contributions were £540,000, or more than 25 per cent. The Government Grant was 37 per cent; so that very much more than one-sixth was contributed by voluntary schools in the gross. The noble Lord forgot that after all, these voluntary schools had a good right to charge the State with the interest upon the large building expenditure they were put to. In the past few years, they had spent nearly £4,500,000 in answer to £1,600,000 contributed by the State. Had his noble Friend, moreover, quite got over the difficulty as to the mode in which his proposal would affect the highest class of artizan schools? Would he be prepared to pauperize those schools for the sake of the experiment he proposed to make? The schools most affected by the proposal would not be those of the Church, nor those of the Roman Catholics, but of the British and great Nonconformist Bodies. The suggestions made, conflicted the one with the other and had met with little support. As a Government, they took their stand upon the two principles which they regarded as fundamental—namely, the right of the parent to choose the school to which his child should go, and the necessity of paying the school fees for the children who were not themselves able to pay. He denied that any real grievance resulted from the operation of the 25th clause, or any grievance which would induce the Government to accept the proposals which had been placed before the House. He thanked hon. Members who had spoken, for their contributions, which he thought were of great use, but he regretted that he could not see his way to adopt them.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES. CLASS IV.—EDUCATION, SCIENCE, AND ART.

SUPPLY—considered in Committee.

(In the Committee).

(1.) £1,130,852, to complete the sum for Public Education, England and Wales.

VISCOUNT SANDON, in rising to explain the details of the Education Vote, said, that before he troubled the

Viscount Sandon

and the school boards. The next point of interest was as to the school boards. London as was known, was already under a school board. With regard to the remainder of the country, 104 boroughs, representing a population of about 5,500,000, out of 224 boroughs, with a population of 6,531,892, were under school boards. There were also under school boards 717 civil parishes with a population of 2,000,000, out of 14,072, with a population of 12,913,387. The net result of this was that, including London, 10,494,507 of the population were under school boards against 12,217,759 who were not in the same position; but it seemed probable that by the middle of next year or later — according to the compulsory action of the Education Department—about half of the population would be under boards. The next point was as to the teachers, and that he regarded as being equal in importance to any part of the work. The calculation was, that 25,000 head teachers would be required for the instruction of 4,000,000 children, and in that direction, satisfactory progress had been made so far. In 1869 there were 12,800 pupil-teachers, and in last year 25,000; in 1869 there were 1,200 assistant-teachers against 1,500 last year; and of certificated teachers, there were 12,000 in 1869 against 16,700 last year. [Mr. W. E. FORSTER asked if these figures referred only to England and Wales?] They did. He believed the Colleges could supply other 1,500 per annum. The question, then, was how to supply the difference between 16,700 and the 25,000 who would be required as soon as the 4,000,000 children had been got into the schools. Last Christmas, 2,500 additional certificated teachers were added; certificates were being granted to older teachers on the Inspectors' Reports; and for the small schools, there were pupil-teachers who had completed their apprenticeship, but could not be received into the Colleges. Looking, then, at the great differences between the accommodation for the 4,000,000 children and the number actually in the schools, there was, he thought, no reason to be disheartened as to a due supply of good managing teachers. That subject, however, he would assure the House would receive the careful attention of the Lord President and himself, and he would add that nothing could be

more important than that there should be not only an adequate, but a first-rate supply of teachers. There now remained the question how many children were actually in the schools. The Education Department only knew with accuracy the number in the inspected schools, in which there were 2,218,598 on the books and 1,847,216 present at the inspection. Now, as to the attendance. Of the 800,000 infants, 400,000 had not attended half-a-year—namely, the 250 times necessary to get the grant. Of the 1,400,000 children between 7 and 13, 500,000 had not attended half-a-year, or the 250 attendances necessary for the grant. Thus, out of 2,200,000 on the books, 900,000 had not attended even for half-a-year. If the attendance was so bad in the inspected schools, what was it likely to be in the non-inspected schools? He feared there must be still greater irregularity in the great mass of the children who made up the 4,000,000. This irregular attendance of the children was the most important fact in the educational survey of the country, and it explained the poor results that were obtained from our immense expenditure on the children. What was wanted was both early and regular attendance. He attached great value especially to early attendance, and it was exceedingly important that the children should begin to attend school at an earlier period—at three years old, if possible. If children could be started early in life with a stock of intelligence, more would be done for education than by keeping them at school until a very late period. He therefore appealed to the friends of education to do all they could to abate the terrible evil of non-attendance in schools. He could not hesitate to express his opinion that compulsion had worked well hitherto in the places where it had been tried. In London it had brought 36,000 more children to the schools; in Hull, 3,500; in Sunderland, 3,800; in Leeds, 8,400. These were great and startling results. Whatever their prepossessions might have been, the children were now in the schools, and there was reason to believe that they would not have been there but for compulsion. That was not the only direction in which compulsion had been enacted by the Legislature. If they looked to mines, factories, workshops, and the Agricultural Children's Act, it

would be found that we were drifting into a law that no children should go to work under 10 years of age. He would express no opinion as to whether that was right or wrong, but it was what the country was coming to, and it was matter for grave consideration whether, by special legislation, Parliament could not simplify our educational position so as to adopt one uniform age below which no child should be employed. With regard to night schools, it was impossible to notice without concern the falling-off in the attendance. It was 64,000 in 1869, while in 1873 it had dropped to 46,000; and no doubt the provision that they must be conducted by certificated or trained teachers was a great obstacle to their increase. He had a strong opinion in favour of night schools as an agency well suited to the present educational emergency, and when they were first opened a large number of lads between 14 and 18 swarmed to them. The matter was not very easy to handle. His Predecessor had stipulated for a larger number of attendances, and that the schools should keep open an increased number of nights. It had come before him as an open question, whether the Education Department should not pay by results, and without asking questions as to the teachers who imparted instructions. Without giving any opinion on this point, he would say that he regarded night schools as a most valuable agency not only for neglected children, but as enabling those who had left school to keep up the little learning they might have been able to acquire in their early school days. It was most disappointing to find that children of 13, 14, and 15 years of age who had left school for three years had frequently forgotten almost all they had learnt. It was the more important that they should have an opportunity by means of night schools, of picking it up afterwards; otherwise the money previously expended seemed to be utterly wasted. This matter, likewise, was receiving the most earnest consideration of the Lord President and himself. There were two Acts of Parliament which they would also watch with great interest. One which was daily coming more and more into force—the Agricultural Children's Act might require amendment; but those who sat on that (the Ministerial) side of the House might feel a just

pride in recollecting that two hon. Members on that side were the first to give legislative effect to the proposal to render education compulsory in the agricultural districts. Those provisions might, perhaps, create some difficulty and disturbance in the labour market, but he believed they would ultimately be productive of essential good. The other Act to which he referred was that affecting the out-door pauper children; and with regard to that, he must ask the leave of the House to say a few words having reference to a recent debate, in which a variety of opinions were expressed upon the Order in Council that had been issued by the Department with regard to the standard for these children. Since that discussion, two or three points had arisen. The right hon. Gentleman opposite (Mr. Forster) had challenged him upon the subject, and had said that the Department had by that Order in Council put itself into opposition with all the school boards of the country, because the order applied alike to the children who were and those who were not under school boards. But the Order in Council only referred to that part of the population who were not under the bye-laws, and in considering the matter, it must be remembered that about 9,500,000 of the population were under school boards and compulsory penal laws, while the rest were not. The right hon. Gentleman told him that if he had consulted the Law Officers of the Crown they would have told him he was wrong. He had done so, and they had assured him that both he and the right hon. Gentleman himself were right in the Order in Council issued by the right hon. Gentleman, the wording of which he had followed. The Committee must not suppose that it was a great Government policy that had been reversed by the present Education Department. It had only been framed a month before the Dissolution. The late Government were doubtless engaged with more serious matters, and he understood that the late Lord President had not seen the Order in Council which the right hon. Gentleman had adopted. His Minute fixing Standard V. for out-door pauper children would have kept them at school until they were 13. If last Session it had been put to the House whether it was prepared to for-

bid pauper children of this age to work, but, on the other hand, to keep them at school until they were 13, he did not believe either the House or the country would have sanctioned such a proposal for one moment. It went against the whole course of previous legislation, which had been to work up gradually in this matter, and it was also against the very letter of the Act, which implied that the highest standard would not be fixed at once. Upon the point, he begged leave to say it was from no pressure he had been induced to take the step he did. He believed it was essential that they should work upon pauper children from below, not from above. To take children who were earning wages altogether away from their work would create grievances all over the country which would endanger the operation of the Act. When it was remembered that the Act affected principally the agricultural districts and small towns, and for the first time, it would be admitted that to brandish before the people at the outset cases of great hardship all over the country would be most injudicious. He would give an example. He found a parent with three children. For one child she received relief; the two others earned 7*s.* 6*d.* a week. What was the course pursued in that case? The Guardians gave 5*s.* a-week instead of 7*s.* 6*d.*; and what did the 2*s.* 6*d.* represent? It represented the rent of the house and of the allotment. Cases of that kind occurring in a district would go far to disgust the people with the operation of compulsion under the Act, and tend to push back the whole tide of education. He wished it to be clearly understood that in his view, that action was dictated by an earnest and sincere desire to prevent the breaking down of a new system, and not by any temporary alarm caused by the representations made to him. His own opinion, and he believed that of the Government, was, as to the different treatment of education by school boards or by voluntary parties, that nothing could be more healthy than a generous competition between the two different modes of action. They accepted the new system fully and frankly. They accepted it in the spirit of his right hon. Friend. They were determined that the new system should supplement the former system—that new schools

should be built; but they were also determined that existing schools should not be supplanted by any unfair agency. They watched the system not with jealousy, but with pride. They had a right to take pride in the system, because the right hon. Gentleman the Member for Bradford had admitted that it was very doubtful if the great measure of 1870 could have been passed without the assistance of those who now sat on the Ministerial side of the House. There were some things in that measure which they disliked exceedingly, and he would not say that in their opinion it required no alterations. Time alone would show. They wanted experience. They must watch it with the greatest care; but so long as it existed it would be his duty, acting with the Lord President of the Council, to administer it with perfect fairness—to ask no questions ecclesiastical or political, as to school boards, but to accept them as the legitimate representatives of the people who had elected them. What they wanted was an instructed, an educated nation, and with that view, they wished to give the children of the labouring classes in those schools, the very best education which the most enlightened members of the artizan and operative class would desire for their children. He hoped that they would divest themselves in this matter of religious professions both on one side and the other, for he could not help sometimes fancying that the great mass of the working population watched them with eager gaze while they were quarrelling and struggling about the education of their children, and he could not but express his earnest conviction that that Church and that religious body which showed most entirely an impartial spirit—not that which showed the most grasping desire to draw people by means of the national funds into its fold, but the Church which thought least of itself and most of the children to be educated—would be that which would ultimately win the suffrages of a God-fearing population. The noble Lord concluded by moving for a sum to complete the vote of £1,356,852 for elementary education for Great Britain.

Mr. BIRLEY thought it was impossible for anyone to have heard the speech of his noble Friend without feeling that the cause of education was safe in his

hands. He wished to know whether the time had not arrived when the system of compulsory education might be gradually and discreetly introduced into many towns and parishes not yet having school boards? The late Vice President of the Council admitted that the absence of that power was a blot in the Bill of 1870, because a district having provided the means of education was not to have the same power of compelling attendance as a district which had not provided sufficient means of education; and the only power given under the Bill was to apply to the Council for a school board. He thought the best system of compulsion would be a full, but gradual adoption of the principle of the educational clauses of the Factory Act and other kindred Acts, requiring that children should pass certain Standards before they were admitted to work of any description, unless they had arrived at the age of 13 years; but there would always be some children for whom no Standard could be fixed. He also thought means should be given for children in elementary schools proceeding to a higher standard of education than the elementary system itself afforded. He believed that could be done with great effect without adding to the expense incurred by the nation, and children of exceptional ability might thus, by means of exhibitions and scholarships, raise themselves to high office either in Church or State. There was an illusion in the public mind that school board schools were superior to denominational schools. That was certainly not so at present, and not likely ever to be the fact, and all experience showed that we had no right to rely on such persons as those of whom the school boards were composed for the display of any exceptional ability in the management of education. As to the cost of the school board schools, it appeared that already the Loan Commissioners had been authorized to lend something like £3,000,000 to the boards for the purposes of the instruction of 260,000 children, while during a similar period—the last four years—the Education Department had advanced only £250,000 to voluntary schools for the accommodation of 225,000 children, the result being that for every pound advanced in the one case £10 were required in the other. He would, therefore, ask the Government to grant no favour to one class of

schools as compared with the other, while they took care that both were kept in the highest state of efficiency.

Mr. WHEELHOUSE said, besides the question of training schools, which he thought were worthy of the notice of the Department, as not having received all the aid he (Mr. Wheelhouse) thought they required to ensure their efficiency, there were two classes of children for whom no provision was made by the Education Act—blind children and deaf-mute children—who, as their parents contributed like other ratepayers to the school board rates, ought not to be excluded from the advantages of education merely because it had pleased the Almighty to afflict them with those infirmities. He could not understand the fairness or the reason for that deprivation, and he should never cease to advocate their claims until they were, as in every other European country, recognized by the State as being entitled to competent assistance for their instruction.

Mr. HEYGATE said, he was glad to find from the Report of the Department, and also from the speech of the noble Lord the Vice President of the Council, that the voluntary schools of the country were to continue to have that perfect fair play to which in justice, he maintained, they were entitled. The fact had been often stated, but it was one which could not be too often repeated, that if there was anything more certain than another in connection with the Act of 1870, it was that the school board system was established to supplement and not to supersede the existing schools. It was a constant subject of complaint that rates should be raised only upon one description of property, and he thought that circumstance afforded an additional reason for discouraging the establishment of schools created and supported by rates. There were several points he wished to impress upon the noble Lord. He regretted to see the sanction of the Education Department too often given to a scale of fees in the case of school board schools so low as to handicap seriously other schools side by side with them. Again, the sanction of loans was, he thought, given by the Department sometimes without due consideration, and he felt it his duty last year to call attention to a celebrated case of this kind. While loans to the amount of £3,000,000, raised on the secu-

city of the rates, had been required to gather into the schools 260,000 new scholars, a sum of £252,000 contributed by the State to the voluntary schools, and aided by £1,000,000 voluntary subscriptions, had brought in 225,000 new children. There was another small grievance—small only, because it was not of frequent occurrence, though it pressed hardly enough in cases where it did occur. He referred to cases of repeated application for the establishment of a school board in the same district where it had been refused over and over again. In a parish in his own county where it had been deliberately decided that no school board should be established, that decision had been appealed against over and over again. At present the law permitted a poll to be taken every 12 months. That was an injustice to the ratepayers, and to the managers of the existing voluntary schools. No school could work well whose very existence was annually threatened, and he submitted that once the question had been decided by a poll, persons should not be permitted to raise it again for three years. Then again he suggested whether his noble Friend could not provide some remedy for the grievance of persons being called upon to pay twice over for the maintenance of schools—by subscription to support one school and by rate to support another. A parish in which a school board existed had to pay twice over,—first for the voluntary school, and then for the board school; but he held that those who supported the voluntary schools deserved to have their consciences respected quite as much as other people. An option should be given, in districts where both systems existed, to a man to select the school to which he should pay. These were a few of the objections which he and those who agreed with him took to the working of the present Act. All they asked was that a fair chance of life should be given to voluntary schools—a chance to which they had entitled themselves by the exertions they had made in the cause of education in years past. He trusted that his noble Friend would look into these things a little more closely, and that by next year some of the injustices complained of would be remedied.

MR. W. E. FORSTER hoped that the noble Lord would be careful not to be led by the remarks of his hon. Friend

the Member for Leicestershire to interfere overmuch with the power of school boards. The case referred to by his hon. Friend was a very difficult one, and much might perhaps have been said on both sides; but he was quite prepared to justify the action of the Department with reference to it. That case, however, ought to afford some satisfaction to the noble Lord, because it was the only one in which complaint was persistently urged against the conduct of a school board while he (Mr. Forster) was in office. His hon. Friend was anxious to restrict the supply of school accommodation, and said the Department had committed a mistake in that respect; but for his own part he (Mr. Forster) had never admitted that there had been any mistake in the matter, and thought that the course which the Department took with regard to the supply of accommodation was the right one. He quite admitted that it was one of the duties of the Department to watch the proceedings of the school boards; and as to the fixing of school fees, he thought that it was desirable that the Department should satisfy itself that a school board was right in the fees which it proposed, and also as to the accommodation that they had provided; but he must repeat what he had often stated, that it was necessary to watch strictly any proposal to dispute the actions of school boards. It should be so for this reason, that if they were to elect representatives upon school boards, then, such representatives should be allowed certain power and judgment, or the whole thing would be a mockery. He would now turn to the eloquent speech of his noble Friend—a speech which he had heard with great pleasure. He was glad to hear that his noble Friend proposed to be liberal with regard to the number of Inspectors, and, indeed, it was the conclusion to which he himself came when he was in office. He was also delighted to see that his noble Friend was determined to set to work to see that the school demand should be fully met, and he had full confidence that he would succeed in his obnoxious task of establishing boards in districts where there was an undoubted deficiency. But the greater part of the noble Lord's remarks had reference to the most important part of the subject—to the fact that although we had got the schools we had not succeeded so well in getting the

Mr. Heygate

children into them. He was anxious to re-assure the noble Lord upon the point. There had been a considerable increase, and the prophecy which he ventured to make when in the noble Lord's place last year had been fulfilled. The average attendance had got up to 1,500,000, and he anticipated that the next year it would be even greater. The noble Lord, however, was evidently convinced that the great evil to be contended with was the want of attendance on the part of the children, and in that view, he (Mr. Forster) was glad to hear that the compulsory powers had been beneficially exercised. In Leeds, for instance, they had succeeded in bringing nearly all the children within the range of the school board. They could hardly have shown their effect before August last year, and he thought it would be found that the effect would be more apparent every day. It was becoming more and more evident that the great evil we had to contend with was the want of attendance, and that that evil was being remedied, as compulsion was vigorously but at the same time carefully and prudently applied. The evil on the one side and the success on the other showed that the great task now in hand was to consider how we could extend the means of getting children to school over the whole country. He was aware of the difficulty of that task, and care must be taken not to overdo it, so as to create a feeling against the means in the minds of the population. He was much delighted with one fact which had been evident year after year since the Act was passed, and that was that the public mind throughout the country was more prepared for compulsion than had at first been anticipated. It must be acknowledged that its success had been shown, and that the example might be held out to those parts of the country where compulsion had not yet been applied. One word with regard to the matter in which he differed from his noble Friend, and that was the Order in Council with respect to pauper children. While he was glad to find that the fear he had that the Order in Council with regard to the pauper children would interfere with the regulations of the school boards turned out to be without foundation, he could not retract any statement that he had made about the policy of the Order. He thought it was a mistake, and he much regretted

it. He was aware that it was necessary to work the Act with care, but still the object of the Act was to secure education for pauper children. Sending pauper children away from school back to home, without any hope of further progress, when they had merely reached the Third Standard, was really no education. The poor children, therefore, who came under the operation of the Order this year would be in some measure sacrificed to his noble Friend's fear of raising public opinion against the working of the Act. He hoped that his noble Friend would see the necessity of making a great effort to convince the school boards and other authorities connected with education throughout the country that the Third Standard was not high enough, and that he would take the earliest opportunity of raising it.

COLONEL BARTTELOT thought that any attempts to go into the higher systems of education with these poor children would be a lamentable failure. He had heard of a gentleman who was examining a school with reference to the oxidizing of metals, and he asked one of the biggest boys what would happen to a plough if it was left in the rain. The boy said it would be "oxhided," and yet not one of the children knew what rust was. In his opinion, if they wanted to do anything with higher education, they ought to begin at the beginning, or they would not get on. He wished to draw the attention of the noble Lord to the wording of the Education Amendment Act, and the Agricultural Children's Act, which did not work harmoniously. By the first, children were required to be at school from the age of 5 to 13, whereas by the second, they went at 8 and left at 11 years of age. Now, it must be remembered that to deprive parents absolutely and at once of the earnings of their children would create great dissatisfaction throughout the country and make them discontented with the Education Act, and that was an evil to be carefully guarded against. It would increase the pauperism of the idle pauper, and his child would not see why he was not always to be maintained at the expense of the ratepayers. His noble Friend, however, said, and he (Colonel Barttelot) thought he was right, that no boy ought to work until he was 10 years old. But then it was a question whether all ought not to be allowed to work at that age,

provided they could pass in a Standard which ought not to be fixed too high, and Sunday and night schools ought to do the rest of their education. He (Colonel Barttelot) wished to know whether his noble Friend intended that children 3 years old should be bound to walk three miles to school? Two miles was the limit for agricultural children. He thought that two miles, or rather one should be the limit for the young children of whom he spoke. The girls in school were not employed half as much as they ought to be in that most important branch of education for them—namely, needlework, and for which a premium ought to be given. Under the Order of Council, in 1873, there was no provision how certificates of exemption were to be obtained, and he hoped the noble Lord would give the House some information on that point.

SIR JOHN LUBBOCK said, the extra subjects to which the last speaker referred were only History and Geography—subjects of which every child ought to know something. Was it not important that the children educated in schools supported by the State should be taught the History of England and the geography of their native land? He suggested that in the case of the younger children the examination on extra subjects should be conducted *vidæ vocæ* and not in writing, because the latter method distracted the children. He called attention to the fact that the annual Report was only in the hands of hon. Members on Saturday, and it was consequently most inconvenient to discuss the subject that evening.

MR. PELL said, from personal knowledge, he knew the Education Acts had brought children to school who could not have been brought by any other agency. He wished to direct the noble Lord's attention to a matter that required to be remedied. The child of a pauper was allowed to go to work if he passed an examination in the Third Standard; but the child of an independent parent was not allowed to go to work unless he passed an examination in Standard IV. Provision was made that after examination, the pauper child might obtain a certificate and be set to work, but no such provision was made with respect to an independent labourer's child; and it appeared to him that that was a good opportunity for calling the

attention of the country to the state of the question, with a view to preparations being made for the examination next year, in order to enable children to make such an advance as would qualify them to be sent out to work.

MR. KAY-SHUTTLEWORTH said, having on a previous occasion foreseen the difficulty in which he apprehended they would be landed, he could not help observing now that it was not from the Act of last year, but from the inconvenience of the Minute that had been passed by the new Government, on their accession to office, lowering the Standard at which the children of out-door paupers must leave school, that the existing difficulty arose. In agricultural districts, children could not be set to work until they had attained a certain age, or passed the Fourth Standard, whilst, under the new Minute, Boards of Guardians had no power to send pauper children to school after they had passed the Third Standard; he hoped that the House would not accept the solution which the hon. and gallant Member for West Sussex had suggested.

VISCOUNT SANDON felt much indebted to the House for the very friendly and cordial way in which his statement had been received. With regard to the challenge that had been thrown out to him by the hon. and gallant Member for West Sussex (Colonel Barttelot) he agreed there was this theoretical difficulty—that a pauper child must be let out after it should have passed the Third Standard; but it could not go to work until it had either passed the Fourth Standard, or made a certain number of attendances at school. Let them see what out-door pauper children would be affected. Only 120 pauper children out of 730,000 who were examined passed in the two higher Standards, and 117 passed Standard IV. What he said was, that the only children affected by this question of the Standard were the children above 10 years of age, and the strong presumption was that no out-door pauper child could pass even the Third Standard without having attended school for 15 weeks or 150 times in the previous year. With regard to the apprehension of hon. Gentlemen that difficulties might arise, the Government had the power of at any moment passing a Minute under the Agricultural Children's Act which would exempt the out-door

Colonel Barttelot

pauper children from the peculiar difficulties under which they laboured. Various other matters of interest had been raised during the discussion. The hon. Member for Leeds (Mr. Wheelhouse) had urged that something still further should be done for the training schools. He might state, in reply, that full attention should be given to the subject. The question of the scale of fees was one which the Department had a right to watch, and the necessity for which was shown by the fact that a certain school board proposed to adopt a fee all round of a farthing—a proposal which hardly came within the true intention of the Act. The hon. Member for Manchester (Mr. Birley) suggested that the Department should give “exhibitions” to enable poor children to pass from the lower to the higher schools. He approved of the course being taken, and he might state that he had already given £400 a-year for exhibitions to encourage children in that direction. Personally, he should be glad, as far as the means at the disposal of the Department allowed, to give every encouragement by exhibitions to poor children of great merit passing from lower to higher schools, particularly when the system was started by the voluntary efforts of the locality. In accordance with the suggestion of the hon. and gallant Member for West Sussex the Government would do their best to make the Agricultural Children’s Act work quietly and satisfactorily; but he could not hold out any hope of lowering the Standard. He admitted the importance of the special training of girls, to which their attention had been directed, and might mention that Baroness Burdett Coutts, who took a deep interest in it, had drawn up an elaborate code, but he could not say whether the Department would be able to adopt it. With regard to the complaint of the hon. Baronet the Member for Maidstone (Sir John Lubbock) he had hoped to have been complimented on the early production of the Report, as, until last year, it had not been issued until after the debate; but arrangements were being made by which it would be produced still earlier in future years. He also hoped the hon. Member for Leeds (Mr. Wheelhouse) would excuse him giving any definite answer at present in reference to the education of the deaf and dumb and blind, and he begged

to acknowledge the handsome way in which he had been met by the right hon. Gentleman opposite (Mr. Forster).

Vote agreed to.

(2.) £232,170, to complete the sum for the Science and Art Department.

MR. DILLWYN urged the postponement of the Vote on the ground that it was £15,667 more than last year. The Museum at South Kensington was a pretty exhibition; but he thought the country would be surprised at its total cost, as revealed by Returns just issued, which they ought to be allowed more time to consider. As he could not move to postpone the Vote until the promised Returns had been considered, he should move to withdraw it altogether, unless a satisfactory explanation was given.

VISCOUNT SANDON said, he was not surprised at the hon. Member for Swansea exhibiting some jealousy on the subject of this Vote, but the truth was, it merely exhibited the interest which the public took in the institution. The figures had been before the country for three months.

MR. W. E. FORSTER explained that the increase was due, not to the expenditure at South Kensington, but to the increasing number of scholars who received instruction in Science and Art all over the country.

Vote agreed to.

(3.) £178,057, to complete the sum for Public Education, Scotland.

(4.) £4,845, to complete the sum for Boards of Education, Scotland.

(5.) £3,476, to complete the sum for Queen’s Colleges, Ireland.

REVENUE DEPARTMENTS— POST OFFICE, PACKET, AND TELE- GRAPH SERVICES.

(6.) £2,402,423, to complete the sum for Post Office Services.

MR. WHEELHOUSE said, he wished to call attention to the low rate of remuneration accorded to the lower class of Post Office *employés*. During the last 20 years a great increase had taken place in the cost of all the prime necessities of life, and the letter-carriers were a useful body of public servants, who had fair claims to consideration. He thought it not unreasonable that 20 per cent should be added to their salaries, and he should be glad to have some

they sent; and would suggest that manifold copies stamped should be taken.

MR. MACGREGOR said, no hon. Member of the House sent off more telegrams than he did, and he had not had a single instance, since the telegraphs came into the hands of the Post Office, of any mistake, nor had he been put to the slightest inconvenience. He should be sorry to revert to the old system, under which people were kept waiting for a receipt, and were liable to be knocked up at 2 o'clock in the morning because a telegraph messenger wanted a receipt.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

House resumed.

Resolutions to be reported *To-morrow*;
Committee to sit again upon *Wednesday*.

JURIES BILL—[BILL 18.]

(*Mr. Lopes, Mr. Gregory, Mr. Goldney.*)

COMMITTEE. [*Progress 2nd June.*]

(In the Committee.)

Clause 94 (Juries de ventre in spiciendo abolished). The clause abolishes the ancient form of "empannelling a jury of matrons" in pleas of pregnancy:—*Agreed to*.

Clause 95 ("Good" juries abolished) *agreed to*.

Clause 96 (Act not to affect grand juries or coroners' juries) *agreed to*.

Clause 97 (Saving of challenge to the array) *agreed to*.

Clause 98 (Penalty for bribery of Sheriff, &c.). The clause declares it to be a misdemeanour, punishable by fine at the discretion of the Court, for a Sheriff, Under Sheriff, &c., directly or indirectly, to take or receive any money or reward, or any promise of or contract for money or reward, for excusing, or under pretence of excusing, any man from being summoned to serve, or from serving on any jury:—*Agreed to*.

Clause 99 (Penalty on Sheriffs for neglect of duty). The clause inflicts a penalty of £50 on any Sheriff for summoning, or neglecting to summon any juror out of his proper turn, or who shall neglect any of the duties prescribed by this Act:—*Agreed to*.

Mr. Whitwell

Clause 100 (Punishment of embracers and corrupt jurors). The clause provides that every person who is guilty of the offence of embracery, and every juror who wilfully or corruptly consents thereto, may be proceeded against and punished by fine and imprisonment, as before the County Juries' Act, 1825:—*Agreed to*.

Clause 101 (Interpretation Clause) *agreed to*.

Clause 102 (Repeal of Acts in Schedule) *agreed to*.

Clause 103 (Judges to make General Orders) *agreed to*.

Clause 104 (Short title of Act)—namely, "The Juries' Act, 1874," *agreed to*.

Clause 105 (Act when to come into operation). The clause proposed to provide that the Act shall come into operation on the day of November, 1874.

MR. LOPES moved an Amendment, that the Act come into operation on the first day of January, 1875.

Amendment *agreed to*.

Clause as amended, *agreed to*.

On the Motion of MR. GOLDNEY, the following new clause was *agreed to*, and added to the Bill, after Clause 26:—

(Justices clerks' fees.)

"The fees to be paid to and taken by the clerks to the justices in petty sessions for the several matters in relation to this Act, shall be settled, appointed, and regulated by the justices of the peace at their quarter sessions for the several counties, ridings, and divisions in England and Wales, and be certified as proper by Her Majesty's Principal Secretary of State, in accordance with the provisions for regulating the payment of clerks' fees contained in the Act of eleven and twelve of Victoria, chapter forty-three, and the amount of such fees shall be paid by the overseers of the several parishes, and be included by them in their account of expenses incurred in carrying into effect the provisions of this Act: Provided always, That until such fees shall be settled and certified, the clerk or clerks shall be entitled to receive of and be paid by the respective overseers such fees for and in respect of the matters aforesaid as the justices in petty sessions shall certify and allow."

New Clause (Payment of clerks of the peace not paid by salary)—(*Mr. Lopes*),—*postponed*.

On the Motion of MR. GOLDNEY, the following new clause was *agreed to*, and added to the Bill, after Clause 45:—

(Payment of Secondary.)

"The Secondary shall be paid such a sum by way of remuneration for his labour in the pre-

paration of the Jury List by him as the Court of Common Council shall consider to be proper, such amount to be apportioned amongst the different parishes in the city as under the fifty-fifth section of the Act of the sixth and seventh years of Victoria, chapter eighteen, and paid accordingly."

On the Motion of Mr. HOPWOOD, the following new clause was *agreed to*, and *added* to the Bill, after Clause 75:—

(Adjournment to enable jurors to view places.)

"On the trial of any indictment or information the court or judge may order that the jurors sworn to try the case shall have a view of any place or property within the jurisdiction of the court, in order the better to understand the evidence, and may for that purpose adjourn the trial, and may allow the cost occasioned thereby as costs of the prosecution in all trials for felony or misdemeanour where the court or a judge has power by law to allow the costs of the prosecution."

MR. LOPES *moved*, after Clause 94, to insert the following clause:—

(Power for court to direct inquiry by medical men.)

"In cases where after the passing of this Act a female upon a capital conviction alleges, or the court has otherwise reason to suppose that she is pregnant, the court shall direct that one or more medical men be sworn to inquire whether she be with child of a quick child, and if after due inquiry he or they shall report that she is with child of a quick child, the court shall stay execution of the sentence until such female be delivered of a child, or until it is no longer possible in the course of nature that she shall be so delivered."

New Clause (Power for court to direct inquiry by medical men,)—(*Mr. Lopes*), *brought up*, and read the first and second time.

Question put, "That the Clause be *added* to the Bill."

The Committee *divided*:—Ayes 71; Noes 26: Majority 45.

First Schedule (Forms).

On the Motion of Mr. J. G. TALBOT, Amendment made in line 12, by leaving out "also a true," to "form," inclusive, and inserting, "such list shall also contain."

Schedule, as amended, *agreed to*.

Second Schedule (Acts repealed) *agreed to*.

Preamble *agreed to*.

MR. ASSHETON CROSS said, before the House resumed, he wished to call the attention of his hon. and learned Friend the Member for Frome (Mr. Lopes) to the fact that there was a strong feeling that the limit of £500 a-year as

the qualification of special jurymen was too high.

MR. LOPES said, before the third reading he would reconsider the point.

House *resumed*.

Bill *reported*; to be *printed*, as amended [Bill 149]; *re-committed* for Monday next.

COLONIAL CLERGY BILL.

Select Committee *nominated*:—Mr. JAMES LOWTHER, Mr. KNATCHBULL-HUGESSEN, Mr. BERESFORD HOPE, Mr. MONK, Mr. ARTHUR MILLS, Mr. BRISTOWE, Mr. MOWBRAY, Mr. WHITWELL, Sir JOHN KENNAWAY, Mr. DUNDAS, and Mr. J. G. TALBOT:—Five to be the quorum.

SLAUGHTERHOUSES, &C. BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to regulate and otherwise deal with Slaughterhouses and certain other businesses in the Metropolis.

Resolution *reported*:—Bill *ordered* to be brought in by Sir HENRY SELWIN-IBBETSON and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 150.]

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, 16th June, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Churches and Chapels Exemption (Scotland) * (114); Alkali Act (1863) Amendment * (116); Apothecaries Act Amendment * (116); County Courts * (117).

Second Reading—Married Women's Property Act (1870) Amendment * (173); Local Government Provisional Orders (No. 2) * (92).

Committee—Supreme Court of Judicature Act (1873) Amendment (56-118); Statute Law Revision * (77); Tramways Provisional Orders Confirmation * ().

Committee—*Report*—Infants Contracts (80).

Report—Pier and Harbour Orders Confirmation * (37).

Third Reading—Church Patronage (Scotland) * (113); Magistrates (Ireland) and Commissioners of Dublin Police Salaries * (86).

THE CAPE COLONY—DISTURBANCE IN NATAL.—QUESTION.

THE EARL OF KIMBERLEY said, that as the recent disturbances in Natal and the trial which had resulted in the condemnation of one Kaffir Chief who had instigated the rebellion against the Government, had given rise to considerable interest in this country; and as the

Colonial Office were now possibly in possession of the details, he wished to ask his noble Friend the Secretary for the Colonies, Whether there were any Papers referring to those matters which he could lay on the Table of the House?

THE EARL OF CARNARVON said, the Question put to him by his noble Friend had been asked more than once in the other House of Parliament. He was not surprised that some interest should be felt on the subject, but up to this time he had felt disinclined to produce any Papers relating to it, because the Correspondence showed that there had been very warm feelings on both sides, and he was apprehensive that its production—especially as it was as yet incomplete—might tend to produce prejudiced views. He had, however, been in communication with his noble Friend and other persons with reference to this Correspondence; and, after a careful consideration of the matter, he now saw his way to laying on the Table a first instalment of the Papers without any public inconvenience. This instalment would contain the history of the disturbance, or the insurrection, as his noble Friend called it—for himself he hardly knew what to call it—and also an account of how it was suppressed, of the trial of the Kaffir Chief, and of the course adopted towards the prisoners. He had mentioned that there had been a good deal of warm feeling on both sides. On the one hand, there were allegations of undue severity, and, on the other, those allegations were denied. It was found impossible to allow the prisoner the benefit of counsel. He regretted that should have occurred; but there were technical difficulties, and the advocate felt himself unable to conform to the regulations of the Court and so to be justified in undertaking the defence of the prisoner. He thought this was unfortunate; but he had since heard—not officially, but through the usual sources of public information—that in the case which had been reserved Bishop Colenso, in default of a paid advocate accepting the defence, intended to argue the question for the prisoner. There had recently been received a letter addressed to the Colonial Office by Captain Lucas, who was in command of a part of the forces—indeed, he believed he had the command of the whole of them at one time—in which that gallant Officer gave

a pointed denial to the statement that there had been unnecessary severity. After he should have laid on the Table the instalment of the Papers, there would be a certain gap in the history between the issue of the trial and the next proceedings. He had made inquiries which had not yet been answered. In the meantime he had studiously refrained from expressing any opinion or pronouncing any judgment on the affair; and he hoped Parliament would also refrain from expressing an opinion on it while it was still *sub judice*.

INFANTS CONTRACTS BILL—(No. 86.)

(Viscount Midleton.)

COMMITTEE.

House in Committee (According to Order.)

VISCOUNT MIDLETON said, that acting on a suggestion of the noble and learned Lord on the Woolsack, he had taken means to obtain the opinion of the Common Law Judges with reference to this Bill; and through Mr. Justice Keating he had received an answer that they entirely approved its principle. The second clause was thought to be stringent; but it was intended to be so. It frequently happened that advances were made to minors at usurious interest; that no pressure was put on them till they came of age, and that then they were tempted by some small additional advance to make themselves responsible for the principal and interest incurred by them when they were under age. It had been found that the provisions of Lord Tenterden's Act were insufficient to meet those cases; but the second clause of this Bill would prevent a man from being sued at law upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification of any such contract, whether there should or should not have been any new consideration for such ratification. This provision would prevent any young man being sued for debts for which through the fraudulent machinations of money-lenders or others, he had inconsiderately made himself liable. The third clause left the question of what were "necessaries" for an infant to the decision of the Court or Judge, instead of as at present to a jury of tradesmen.

Bill reported, without Amendment, and to be read 3^d on Thursday next.

The Earl of Kimberley

SUPREME COURT OF JUDICATURE ACT
(1873) AMENDMENT BILL—(No. 56.)
(*The Lord Chancellor.*)

Committee (on Re-commitment).

House again in Committee (according to Order).

Clause 10 (Amendment of 36 and 37 Vict. c. 66, sec. 53 as to Divisional Courts of Imperial Court of Appeal).

LORD PENZANCE said, that by this clause the First Divisional Court of the Imperial Court of Appeal was to consist of three *ex officio* members—the Lord Chancellor, the Lord Chief Justice of England, and the Master of the Rolls in England; of any number not exceeding three of the additional Judges of the Imperial Court of Appeal, and three of the ordinary Judges of that Court, or of any five or more of them. He objected to this, that all these Judges, with the exception of the three *ex officio* members, were to be nominated to sit for a term of three years. Their nomination was only to have effect for that period. This was a new principle in our judicial system. These temporary Judges might reverse the judgments of the other Imperial Courts of which they were members. Again the Court which reversed decisions should be something superior to the Court whose decisions it reversed; but, as the Bill stood, the members of the various Divisions of the Court of Appeal would be all placed on the same footing; for the whole of the 17 members would be shifted about from one Division to another, and those in the First might be reversing the decision of those in the Second or Third Division. This system was not calculated to secure public confidence in the decisions of the highest Court of Appeal. He must remind their Lordships that the Irish and Scotch, as well as the English, Ecclesiastical appeals, and Colonial appeals, were all to go to this First Division of the Imperial Court; and many of these raised questions which required special knowledge and varied experience; and his second objection to the constitution of the First Division was, that no sooner might one of these shifting Judges be supposed to have acquired some experience in the business of the Court than he would cease to be a member, and would be returned to another Division, where his judgments were open to appeal

to a Court to which the Judges had only just been transferred from the inferior Divisions. The result must be that the judgments of the Court could never have that certainty which was at the very foundation of legal decision, and delay and expense would be multiplied. He would propose an Amendment which would to some extent remedy the evil he had pointed out.

An Amendment moved, page 6, line 34, leave out the whole line to the end of the sub-section and insert—

("and the judges so nominated shall continue to sit in the said first Divisional Court so long as they remain judges of the said Imperial Court of Appeal."—(*The Lord Penzance.*))

THE LORD CHANCELLOR said, the first objection of his noble and learned Friend (Lord Penzance) was the most plausible one; but it was entirely fallacious. His noble and learned Friend laboured under a misapprehension as to these triennial appointments. The Judges of the First Division were not to be appointed for three years. Like all other Judges, they were to be appointed for life, or until an Address from both Houses of Parliament removed them from office. His noble and learned Friend confused two very different things. It was one thing to appoint a Judge for three years; it was quite another thing that Judges appointed in the usual way should be enabled to manage among themselves the duty of hearing by rotation the appeals in the First Division of the Imperial Court of Appeal. This principle was not new. It was now acted upon in the case of Election Petitions, for the trial of which certain of the Judges were appointed Election Judges each year, the nomination for that particular duty being only for one year, and at the end of that year other Judges were nominated. And so in the Imperial Court of Appeal certain of the Judges of the other Divisions would be nominated to sit in the First Division, and at the end of three years would return to their Divisions, and other Judges would succeed them. The two next objections of his noble and learned Friend were antagonistic to each other. The first was that the Judges of the First Division might over-rule the decision of those of the other Divisions, and that the Judges of the latter would be in a subordinate position. His noble and

learned Friend went on to say that he objected to the system of nomination proposed in the Bill, because its effect would be to preserve an equilibrium as between all the Judges. It was impossible his noble and learned Friend could stand by both these objections. What proposal would his noble and learned Friend make? He must wish for one or other of these two arrangements. One of these plans would be, that Parliament in creating this Appellate Court should say nothing as to how the three Judges were to be chosen; in which case they would arrange it among themselves, and the effect would be that one day one set of Judges would sit in the First Division and the next day another set would take their places. That would be fatal to the organization of the Court. Then there was the other proposition—the one which his noble and learned Friend had moved as an Amendment—namely, that Judges once appointed to the First Division should continue to sit on it during the whole tenure of office as Judges of Appeal. Such an arrangement as that would at once draw a broad line between the Judges of the First Division and the Judges of the other Divisions, and the Judges of the Second and Third Divisions would be placed in a subordinate position. He thought the proposal in the Bill steered clear of both difficulties.

LORD SELBORNE said, he would prefer that the period of appointment to the First Division should be two years instead of three, and that the appointment should come in turn to all the Judges, rather than be by nomination.

LORD PENZANCE said, he would not persevere with his Amendment, as his noble and learned Friend on the Woolsack was not willing to accept it. His noble and learned Friend who had just spoken was perfectly consistent in wishing the Judges of the Appeal Court to be all equal in position, because he was in favour of one appeal only, and deprecated any further hearing after the Appeal Court had once decided. But his noble and learned Friend on the Woolsack was inconsistent, for he proposed a second appeal from one Division of the Court to another Division of the same Court, and this could not be effected without placing the First Division of the Court, which was to entertain this second appeal, in a position of superiority

over the other Divisions whose decisions it was to reverse. It was not in the nature of things that this superiority should not exist, and it was useless to struggle to maintain an equality in the different Divisions of the Court under such circumstances. It was for this reason that he objected to the plan of shifting the Judges backwards and forwards between the Superior and Inferior Divisions of this new Court.

Amendment (by leave of the Committee) *withdrawn*.

LORD PENZANCE said, he thought the provisions for a re-hearing did not go far enough. As the clause stood, the 9th Sub-section provided that

“Any appeal heard before any Divisional Court other than the first, in the decision of which the Judges of the Court are not unanimous, shall, if any party to such appeal so desire, be re-heard before the first Divisional Court.”

This, he thought, was narrowing too much the right of a second hearing. It might be that the Appeal Court, even if unanimous, would be only three Judges over-ruling the judgment of three Judges in the Court below. Besides which, it was by no means the case that erroneous judgments were not arrived at unanimously. On the contrary, it often happened that the entire Court were most strongly and rapidly impressed by a particular view, and those were the really dangerous cases. He had given Notice of an Amendment to strike out the words “in the decision of which the Judges of the Court are not unanimous.” But as he saw no chance of carrying that Amendment he now begged to move after the word “unanimous” the insertion of these words, “or where such decision in any question of law reverses a material part of the judgment or order appealed from.”

THE LORD CHANCELLOR said, he did not think that there should be in all cases a right of re-hearing. Where both the Courts—those of Primary Jurisdiction and the First Divisional Court of Appeal—were of the same opinion, then the litigation should stop; but when there was a difference of opinion between these Courts, or where the judgment reversed any part of the judgment appealed from on any question of law he thought the right to a re-hearing should be given. He had received various representations from the

Incorporated Law Society and from members of the Bar on the subject of this second hearing, and under all the circumstances he did not object to the Amendment now proposed by his noble and learned Friend with a slight variation.

LORD SELBORNE said, he was not for multiplying the opportunities of appealing unnecessarily. He thought the proposal of the Amendment which left the right of re-hearing, in all cases, to the decision of one of the parties objectionable, and thought it should not be allowed, except in the special cases proposed by the noble and learned Lord on the Woolsack without the permission of the Court itself.

LORD COLERIDGE also doubted the advisability of the Amendment. Finality and equality were the objects to be achieved by the new Court of Appeal. To give the right of appeal in all cases would lessen the authority of one Division and increase that of the other, and the chances of finality would be diminished as facilities for going from one Division of the Court to another were granted to suitors.

Amendment made; Clause, as amended, agreed to.

Other Amendments made.

The Report of the Amendments to be received on *Monday* next; and Bill to be *printed*, as amended. (No. 118.)

POOR LAW — ST. PANCRAS UNION— MORTALITY OF YOUNG CHILDREN.

QUESTION.

EARL DE LA WARR asked if it is correct that the Inspector of the Local Government Board has recently reported that during the past year out of 407 children under two years of age in the St. Pancras Union-house 89 have died? He was not in possession of sufficient information to enter upon the subject of the general management of St. Pancras Union, nor had he any information which would enable him to state particulars relating to the terrible mortality; but if the facts to which he desired to call attention were correct, it was quite certain there must be some unusual circumstances connected with this institution which demanded inquiry, the mortality being an annual death-rate of 215 in 1,000, which, unless it arose from some contagious or infectious disease, was al-

most unprecedented. The noble Lord who represented the Local Government Board in that House (Lord Walsingham) would correct him if he was wrong; but he believed that in the St. Pancras Workhouse all the nurses, with one exception, were pauper inmates; and as regarded the dietary of the children it chiefly consisted, as he was informed, of preserved milk largely diluted with water, and of pork. The case to which he had referred was, he hoped, an exceptional one; but in calling the attention of Her Majesty's Government to it he desired to remind their Lordships that there were many evils arising from the crowding together of children in Union schools and Workhouses. Some years ago—he believed under the advice of the Poor Law Board—large District Union schools were formed which, it was supposed, would be advantageous both in a sanitary and moral point of view; but there was reason to fear that those expectations had not been realized, and it had recently been brought under his notice that a Committee of the Croydon Board of Guardians had reported that these establishments did not answer the purposes for which they were intended. In a sanitary point of view the subject was one which he thought deserved the attention of Her Majesty's Government. He begged to ask the Question of which he had given Notice.

LORD WALSHINGHAM said, the Local Government Board had not received any official reports on the matter referred to—the information they had received was contained in some informal Minutes written by their Inspectors—but it was true that out of 407 children admitted last year into St. Pancras Workhouse 89 had died, showing a death-rate of 215 per 1,000. The Local Government Board, having had its attention called to the subject, addressed a letter to the Guardians of St. Pancras Union, directing their serious attention to the high rate of mortality which had prevailed, and to some matters connected with the diet of the children, as well as some slight dereliction of duty on the part of one of the nurses, and requesting the Board of Guardians to acquaint them with the result of their inquiries. In answer to that letter a communication was received from the Board of Guardians in which it was stated that the matters referred to had been made the subject of

careful inquiry, and some reasons were mentioned which had contributed to the high rate of mortality. The mortality occurred chiefly in the sick children's ward, and many of the children were sent there in a hopeless condition. Owing to the illness of mothers, and in numerous cases of desertion, many of the children were brought up by hand, and in such cases the death-rate was always high. Seven children had died from wilful neglect and exposure to cold before they were admitted, and two from accidents. Measles had also prevailed during four weeks of last year in a severe form, and caused, directly or indirectly, 10 deaths in the sick children's ward. As to diet, pork had been mentioned; and the medical officer considered pork was not fit food for children; he entirely disapproved of it, and it was not in the general dietary of the children. It turned out, however, to have been given in one instance without his knowledge, but only to the extent of 1½oz., and to children of two years of age and upwards—so that it could not have contributed to increase the rate of infant mortality. Condensed milk had been used during the latter part of the year; but it was of the best quality, of the same specific gravity with cows' milk, and was liked better. It had, however, been given up, and cows' milk substituted. The general condition of the nurses had occupied the serious attention of the Guardians, and there were certain alterations proposed which were now before the Local Government Board for approval. The general death-rate of children up to two years was found to be 150 in 1,000, and certainly the case which had been brought under their Lordships' notice was one of excessive mortality; but he had no doubt that now that the Board of Guardians had had their attention directed to it, further precaution would be adopted, and the mischief diminished. He had no objection to lay upon the Table the Correspondence relating to the case to which he had referred if his noble Friend would move for it.

Moved, "That there be laid before this House Report of the Inspector of the Local Government Board on the subject of the high rate of mortality among infants in the workhouse of the Parish of St. Pancras during the past year."
—(*The Earl De La Warr.*)

Motion agreed to.

Lord Walsingham

COUNTY COURTS BILL [H.L.]

A Bill to amend the Acts relating to the County Courts—Was *presented* by The Lord CHANCELLOR; read 1^a. (No. 117.)

House adjourned at half-past Six o'clock,
to Thursday next, half-past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 16th June, 1874

MINUTES.]—SELECT COMMITTEE—Consular Chaplains, *nominated*.

SUPPLY—*considered in Committee—Resolutions* [June 15] *reported*.

PUBLIC BILLS—*Ordered—First Reading—Civil Bill Courts (Ireland)** [152]; *Juries (Ireland)** [153].

*First Reading—India Councils** [154].

Considered as amended—Intoxicating Liquors [139], *debate adjourned*; *Building Societies** [132].

*Third Reading—Oyster and Mussel Fisheries Orders Confirmation** [129], and *passed*.

NAVY—ADMISSION OF BOYS INTO THE NAVY.—QUESTION.

MR. AGG-GARDNER asked the First Lord of the Admiralty, If it is the practice of the Board to refuse to entertain the application of a parent for the discharge of his son, after it has been proved that his admission into the Navy was obtained under a forged sanction and a false name?

MR. A. F. EGERTON, in reply, said, boys seeking admission to the Navy were required to bring certificates of birth, or declarations made by their parents that they were of the proper age. In the case referred to by the hon. Member, a boy named Raikes had produced a certificate, purporting to be signed by his father, but really signed, as had since been discovered, by his uncle. The boy did not wish to leave the Navy, but under the circumstances the Admiralty had decided that if the father insisted upon it he must be discharged; and it was under consideration whether the uncle who forged the father's name to the certificate should be prosecuted.

ARMY—DEPARTMENT OF ACCOUNTANTS.—QUESTION.

MR. HAYTER asked the Secretary of State for War, If he has come to a decision as to the formation of a Department of Army Accountants; or if the vacancies at present existing among Regimental Paymasters are likely to be soon filled up?

MR. GATHORNE HARDY, in reply, said, that no decision had been come to, because he did not think there had been a sufficient inquiry. A further inquiry would be prosecuted, and in the meantime no vacancy would be filled up.

FRIENDLY SOCIETIES BILL. QUESTION.

MR. E. JENKINS asked Mr. Chancellor of the Exchequer, Whether, having regard to the intricacy of the subject, and to the fact that many of the Societies affected by the Bill would not have time to place it before their Courts and communicate with their representatives before Monday next, he will consent to postpone the second reading of the Friendly and other Societies Bill?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he was most anxious that the Friendly Societies Bill should be fully considered and discussed. If he postponed it, as he was asked to do, from Monday next, he feared he would lose the chance of passing the Bill during the present year. From the communications which had reached him on the subject, he was of opinion that there were many points in the Bill which would not be really understood until they had been discussed on the second reading. He thought that time would be saved, and the convenience of the Societies consulted, by proceeding with the Bill on Monday, and he proposed to give ample time for further consideration before going into Committee.

INTOXICATING LIQUORS BILL.

(*Mr. Raikes, Mr. Ashton Cross, Sir Henry Selwin-Ibbetson, Mr. Chancellor of the Exchequer.*)

[BILL 83-139.] CONSIDERATION.

MR. PRAED said, that, as on the second reading of the Bill, various allusions had been made to the subject of Working Men's Clubs, he wished to assure the House that there was a wide

distinction between genuine Working Men's Clubs and those started merely to evade the Act of 1872, and to encourage drinking. He hoped the licensing authorities would take every possible step to protect the licensed victualler from the unfair competition of the illicit trading carried on in such places. He was informed that in most of the real Working Men's Clubs, the average amount of intoxicating liquor consumed was a pint or a pint and a-half per head per week; while even in the largest clubs used by artisans earning high wages, not more than 4*d.* per head per day was spent in intoxicating drinks. These men were elected by ballot, and had a great deal of self-respect, so that no misconduct was at any time to be apprehended. These clubs had all the advantages of a club system, without the disadvantages that might be expected. The fact was that the great question of education had taken effect in all parts of the country, and especially in the agricultural districts. There was a large increase in wages and diminished hours for work; so that, if the working classes had not these clubs as places of resort, they would inevitably go to the public-houses. In his opinion, these clubs did more good than any Licensing Bill that could be brought forward.

MR. DODSON said, that both the House and the Government must be anxious to get rid of this Bill; but, at the same time, all were anxious that it should be disposed of in a proper manner. Then, let them see the position in which they were placed. They had now eight pages of Amendments on the Paper, and up to Saturday morning last they had five pages. For his own part, he did not recollect in his experience of the House eight pages of Amendments being set down on the bringing up of a Report of a Bill of less than 12 pages. There were Amendments of great importance among them, both as regarded quality and quantity. There were some directed to the hours of closing, so that it seemed as if they had to fight the battle of hours over again. Then, not only the question of the magistrates' discretion as to hours was again to be raised, but the Amendments involved a magisterial discretion as to seasons, and another as to areas. It was proposed to give the Justices power to add, if they thought proper, a collection of houses

adjoining a town to the town itself, so as to make the hours for closing the same within the area thus formed. But, more than that, there was an Amendment giving a definition to what were called "populous places," which he, for one, did not understand, and which would, he believed, cause great difficulty to the House itself. In this manner they were to have a discussion on the hours, seasons, and areas over again, although they were discussed in Committee for days and nights together. He contended that such a proceeding was unprecedented, and that it was most inconvenient that all these vexed questions were to be discussed, with the Speaker in the Chair. Then, there was the uniformity of hours as to beer-houses and public-houses, and if the definition of "populous places" were adopted, it would be a question whether the magistrates would have power to do away with uniformity, and whether beer-houses might close at one hour and public-houses at another. He did not wish to detain the House on this subject at any greater length; but he was anxious to see the Bill disposed of in a proper manner. Seeing the number of Amendments on the Paper and their importance, he asked the House and the Government if it were a convenient course to enter into a discussion on all these subjects with Mr. Speaker in the Chair; and whether it would not be better to go into Committee again on the Bill, and discuss those Amendments with all the freedom that was allowed at that stage of the proceedings. He entertained a very strong opinion that the most proper, the most convenient, and, in the long run, the most expeditious course would be that which he now suggested.

MR. ASSHETON CROSS said, he believed the advice given by his right hon. Friend was very kindly meant, and as kindly given; but he regretted to say it could not be complied with. It was quite true there were eight pages of Amendments; but his right hon. Friend had not taken the trouble to read them, because if he had he would have found that a vast number of them—eight or nine, perhaps—applied to the same question, and a couple of pages were in the same condition. There was another reason why they should not go into Committee. Nine-tenths of those proposed Amendments had been already

fully discussed and disposed of in Committee, and if they went into Committee to-morrow it would be repeating the same arguments and giving the same votes, so that it would not be sound or wise to adopt the course recommended by his right. hon. Friend. He (Mr. Cross) could not help thinking that the fact of Mr. Speaker being in the Chair would materially help to shorten debate, and perhaps to make their decisions wiser. He was not going into the merits of any particular Amendment; but when they were proposed he would state the views of the Government upon them. However, after the long discussions they had already had on the Bill, and the nights spent in considering its various details, he hoped the House would now go on with it in its present stage.

MR. BRISTOWE said, he was sorry to learn the decision at which the right hon. Gentleman had arrived. The Amendments which the Government had now put on the Paper completely altered the main features of the Bill as first introduced. They were told that positive hours would be inserted in the Bill. He contended that they were going back to the Act of 1872, and re-enacting something like it, only in an infinitely worse form. In that Bill 11 was laid down as the definite hour of closing for all parts of the Kingdom except the metropolis, and it was left to the discretion of the magistrates to decide what hours would be the most suitable for their several localities. But what hours were they to have now? A normal hour of 10 in the country instead of 11, and in addition to that the local magistrates were to have the new responsibility of deciding what was a populous place. He hoped they would be able to see their way through that mysterious proposition; but it seemed to him that they would be placed in an infinitely worse position than before. He had heard incidentally that the Trade complained very much of the magisterial discretion which the Bill allowed; as well they might, since they would have greater ground of complaint than before with the increased number of questions which were to be left to the discretion of the magistrates. The population of places was constantly changing, and a decision on the subject which would be right one year would be all wrong the

next. It came to this—that the propositions of the Government now for the first time on the Paper completely altered the character of the Bill, not only as submitted to the House originally, but as it had passed through Committee. He was confining himself in these remarks to the Government propositions before them that night, and he said he was at a loss to understand how it was possible to arrive at a proper and sound conclusion by discussing these propositions in a full House and not in Committee. They involved many matters of detail which ought to be discussed in Committee. The Government propositions altered the Bill completely from top to bottom as regarded the hours of closing. After the various changes that had been made in the Bill, the new proposals of the Government showed that they were themselves not satisfied with the conclusions at which they had arrived when the Bill was in Committee. He wished to suggest whether it would not be better to leave the hours as they were settled by the Act of 1872, and let the present Bill go forth as an Act for the amendment of the adulteration and the police clauses, thus getting rid of the new closing hours, as the public were not dissatisfied with the present hours, so far as they were concerned.

Mr. ROEBUCK said, he hoped the House would allow him to make a few remarks on the Bill as it now stood, and on the position of the right hon. Gentleman the Home Secretary in reference to the proposals which he had made. At first the right hon. Gentleman appeared in the position of a man who was going to reform what had taken place in 1872. Instead of that, however, the right hon. Gentleman, influenced by persons outside who made themselves very busy on this question, had proposed alterations in the Bill as first introduced, and more particularly as regarded the hours of opening and closing. After he had proposed his Bill to the House there came to the House a deluge of Petitions directed against various portions of the measure; but anybody who knew how those Petitions were got up, and the principle on which they were founded, and the gentlemen who furthered them, must be prepared for an avalanche. There was an idea entertained by some people in reference to intoxicating drinks which

seemed to him to be utterly opposed to the use which was intended to be made by man of the bounties of Providence. For our use, God had given up barley and the grape, and man's ingenuity had discovered the art of making from the one beer and from the other wine, both of which, used with proper discretion, were beneficent gifts to mankind. But the people to whom he referred would not allow them to look upon beer and wine in that light. They fancied that they were curses, and that the gift of them was a mistake on the part of Providence—and, being more learned and wise in their generation than the great God of the Universe, were determined, if they could to suppress altogether the advantages to be derived from those two great beneficent gifts of nature. The Petitions to which he had referred were brought in under that absurd feeling. They were very absurd and unworthy of attention; but they had, apparently, a great effect, a great influence, on the mind of the right hon. Gentleman the Home Secretary. As he had said before, he believed that those things, if properly used, were for the benefit of mankind, and the right hon. Gentleman should look on those Petitions which asserted the contrary from a rational point of view—from the point of view of rational people. Their arguments ought not to receive effect from the mere force of numbers; as was well known, a small body of men gathered together to blow the trumpet might make a much greater noise than the whole of the listless majority, who in fact made no noise at all; the majority did not care about the questions that were thus raised; but there were other persons that did—a small portion of the community—and it was to that portion of the community—that he desired to direct the attention of the right hon. Gentleman. He was speaking now as the Representative of a large body of working men. The town he had the honour to represent (Sheffield) was composed of about 250,000 persons, a large body of whom were mechanics—honest, hardworking, rational men. Those men, who were bound by their position to work hard for their living, had, many of them, to work into the small hours of the morning, and when they had finished their work they required something for their sustenance. When he (Mr. Roebuck) returned home

from that House, say at 1 or 2 o'clock, his servant prepared for him the refreshment he needed before going to bed. The working men to whom he referred were not in that position. They had no servants. They had a wife and children to look after them; but they had no means of getting in their own houses what they required for their refreshment after their work. They could get it at the nearest public-house; but if that public-house were shut up they were excluded at once from the rational and proper means of sustenance which they required after the hard work they had been doing. He was not now speaking in any sense fanatical, or in any sense sensational; but was asking the right hon. Gentleman to look upon the matter from a rational point of view. He wished to ask the right hon. Gentleman whether those men—and there were a large number of them—were to have the means of that sustenance which they required after their hard night-work? He asked him whether it was wise, whether it was proper, whether it was part of their public duty as a Legislature to shut those men out from the enjoyment of that refreshment and of that sustenance which they needed after their work? That was one thing, and he would really press it on the right hon. Gentleman's attention. And now he wished the right hon. Gentleman to explain why he made a distinction between London and the large towns of the country. What was the difference between London and Sheffield? He wished him to explain that. In London he had extended the hours to meet the convenience of persons returning from the country into the town; but people in the country towns, when they returned from excursions into the country, required refreshments just as people in London required them. Why, then, did the right hon. Gentleman make that distinction between London and Liverpool, between London and Glasgow? He owned he could see no difference himself to warrant the distinction, as in all those places the habits of the people, and their wants, were the same. These laws were made for the West End. Hon. Members when they left the House could go home. They did not want the public-houses, and did not go into them. But the working man was not in that position. He did want the

public-house, and that want was as much felt in the country as it was in London. He did not want further to occupy the time of the House; but would conclude with saying he was not speaking either in the interest of the licensed victuallers or in that of the brewers, but in the interest of the working classes, who had wants which required to be met, whereas the regulations as proposed would take away from them the opportunities of doing so, and place them under greater restrictions than before.

Bill, as amended, *considered*.

MR. ASSHETON CROSS moved the insertion of the following new clause:—

(Commencement of Act.)

"This Act shall come into operation as to the provisions relating to hours of closing (not being provisions relating to the grant of early closing licenses), and as to the provision repealing section twenty-four of the principal Act, on the tenth of October, eighteen hundred and seventy-four, and not before, and as to the remainder, immediately on the passing of this Act."

The object of the clause was, he said, to provide that the Bill should not, at all events in certain places, come into operation until the time when the new licences were taken out.

SIR WILLIAM HARCOURT said, he was afraid the right hon. Gentleman did not attach sufficient importance to the clause he had just moved as a provision relating to the hours of closing, apart from the early closing licences; and he told the House that the object was to make the Act, so far as places of population under 2,500 were concerned, not to come into operation until subsequently to the holding of the Brewster Sessions. But whence, he would ask, the necessity for this postponement? He had thought the whole object of the Bill was to remove the regulation of the hours of closing from the consideration of the magistrates; and yet here was a clause which proposed that in certain places the Act should not come into force until they had the opportunity. It was no doubt the corollary of the other new clauses proposed by the Home Secretary, which the House had not yet considered and sanctioned. The truth was, that the Forms of the House were valuable when the assumptions on which they were founded were adhered to. When it was proposed on the Report to bring up new

Mr. Roebuck

clauses, it was always on the assumption that the House had while in Committee settled not only the principle, but also the form of the Bill; but when not only the principle of the Bill, but also its form, had been changed between the Committee and the Report, then to bring up a new clause like this was not only inconsistent, but illogical. The Home Secretary was now asking them to pass a clause to the effect that in a vast number of places throughout the country the hours of closing should be changed by the magistrates sitting in Brewster Sessions. It was a clause which he regarded as the funeral epitaph upon the vital principle of the Bill. They had had some difficulty to ascertain what the vital principle of the Bill really was. Now it was one thing, now it was another. He recollected that the Home Secretary had told them with solemn emphasis that there was one point the Government would never yield, and that was in respect to the question of magisterial discretion in respect to fixing the hours. But what had happened since the Bill left Committee? They had it proposed, and it was perfectly consistent with this Amendment, that as related to two-thirds of the public-houses in the country, the hours at which they were to be opened and closed were to be at the discretion of the magistrates. He had looked through the Returns, and he found that the number of public-houses and beer-houses in the large towns other than London was 35,000, and that the number in the rural districts was 70,000; and with regard to these latter, it was now proposed that it should be left to the discretion of the magistrates to settle at what hours they should be open. That was, they were to leave it to the discretion of the magistrates to determine what localities they were which, on account of the number and density of their population, required different accommodation. However, to come more directly to the case of the rural districts. The House, when in Committee, had fixed the hour of closing in all places where the population was under 2,500; but no sooner was the Bill out of Committee than the right hon. Gentleman and his Colleagues turned round and said that it was the magistrates at Brewster Sessions who were to decide during what hours 70,000 public-houses and beer-houses

were to be kept open. It was true they were not to determine it in the same way as before; but practically it amounted to the same thing. They would have to determine whether a place was a populous place or not. Now, the Home Secretary had told them it would be an act of cowardice on the part of the House to refrain from determining the question of hours; but he would ask, how was the House to determine that question, if they were now going to refer it to the magistrates? Why, the decision would depend not only on the number and density of the population, but also, he would venture to say, on the number and density of the bench. They would find different benches taking different views of the matter. He could imagine a bench of such magistrates as the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) deciding that the City of London was not a populous place; and, again, they might have a bench of such justices as his hon. and learned Friend, the Member for Southwark (Mr. Locke) deciding that Dartmoor was a populous place. They, therefore, came back again to the old question of magisterial discretion, and revived the whole doctrine of elasticity. Well, it was the principle of elasticity, when it was set upon and restrained, to return to what it was before, and having been unduly compressed by Her Majesty's Government it had in this instance rebounded into its place. But how were the magistrates to determine what were populous places? He did not know why the Home Secretary had changed the word, or whether he was to supply the magistrates with dictionaries to consult as to the meaning of the word. He could only refer him to one passage in the Poets where the word was used. It was in Milton—

“As one who long in populous places pent
Went forth.”

He would ask him if that was the definition of the word he was going to adopt. The alteration to which he had just referred was not the only thing which the Government had done between the Committee and the present stage of the Bill. When it was introduced to the House there was another vital question involved in it—namely, the question of exemptions. The Home Secretary had told them that he had

paid that attention to this particular Amendment which it deserved at his hands. If he had studied this particular subject of licensing in the various Bills which were now before the House, he would find a Bill upon the Table to which he (Mr. Cross) would like to refer him for a moment. In the Bill introduced by the hon. Baronet the Member for Fifeshire (Sir Robert Anstruther), relating to the sale of spirituous liquors in Scotland, which was certainly an analogous subject, one of the suspensory clauses stated that there should not be more than a certain number of public-houses in proportion to the population, and he found the 3rd clause commenced in this way—that “in any town or populous place in which the number of licensed houses should at any time exceed the proportion of one such house to 700 of the population,” such and such things should happen. He found that the term “populous place” was perfectly well known in Scotch law, that it was understood by every Scotch lawyer, and it was to be found in many Scotch Acts. In the Police Act, in particular, they did not talk of towns but of populous places, and for the simple reason that they were speaking of places which had no defined boundary. That was a precisely analogous question to the one which they were discussing. There were provisions in that Act by which, although a populous place had no local boundary, the sheriff, if called upon to do so, would define what constituted a populous place, and would draw a distinction between town and country; and in the Bill now before the House a precisely similar power was given to the licensing justices or other authorities. But what he wanted to impress upon the House was, that the sole discretion which was placed upon the magistrates or whoever it was who had to define these places, was this—that they should say what in their district came under the denomination of a town, and in all those places which came under that denomination quite irrespective of all other places, the hour should be 11, and in the country 10. No Bill could state more explicitly what was intended with regard to the hours. In London, the hour of closing was to be 12.30, in towns 11, and in country places 10; and that was quite independent of the magistrates. There was only one more

provision in this Bill which he wished to place before the Committee, and that was this—when they had to deal with the area around London they would find the inhabitants were so numerous and the places so closely connected with one another that there would be a great deal of difficulty in distinguishing them, and, after consultation with the police, the Government had agreed to propose that for all practical purposes the Metropolitan Police districts should be considered town, and that the hour of closing should be 11.

Mr. W. E. FORSTER said, that it did not appear to him to be unreasonable to ask that the operation of what might be called the opening and closing part of the Bill should be put off for a few weeks. But in passing these clauses, his right hon. Friend would allow him to say that he, for his part, did not feel that they were in any way accepting his statement with regard to the other clauses, and still less with regard to his definition of what were “populous places.” It appeared to him (Mr. Forster) that the discretion to be given to the magistrates to decide on this point was one which they would find it very difficult to exercise. In some districts it might be debated for days as to whether they might be called populous places or not. He thought they might now proceed with the other clauses; but he could not sit down without congratulating his hon. Friend the Member for Fifeshire (Sir Robert Anstruther) that he had made such an impression on the Government that they were willing to borrow his Amendment.

Clause *added*.

Clause 2 (Hours of closing premises licensed for sale of intoxicating liquors).

Mr. CAWLEY moved to add the following clause—

(Power to alter opening hours on week days.)

“In any town or parish beyond the Metropolitan district, the licensing Justices may, by order made in the manner prescribed by the principal Act, direct that the time at which such premises within any town or parish shall be opened on the mornings of all days, except Sunday, Christmas Day, and Good Friday, shall be other than the hour hereinbefore prescribed: but no such order shall prescribe a time for opening earlier than five o'clock nor later than seven o'clock in the morning of such days.”

The hon. Gentleman, in rising to propose this clause, said, he did not intend to detain the House at any length in giving his reasons for doing so. In the

course of the debate in Committee on the Bill the other evening, he threw out a hint that this was the only mode of getting over the difficulties which had arisen in consequence of the attempt to do away with the discretion of the magistrates as to the hours of opening and closing. There was the fact that certain large boroughs in this country had altered the hours for opening, some of them having altered the hour to 7 and others to 5, and the House could not adopt the proposal for having fixed hours of opening without condemning the justices of those places in which the hours had been changed. If they were to say, after only two years' experience, that those who had made the change were not to continue those hours, they were in fact condemning them for having acted upon the judgment which the House had said two years ago they were to act upon. He could not but feel that they were not justified in passing such a condemnation. Far from having any evidence that the alteration in the hours of opening was working badly in the large towns in which a change had been made, he might say that in Liverpool, Hull, and Birkenhead, it was working in a manner far from unsatisfactory; in fact, it was said to be looked upon as a boon and a satisfaction to all parties. The House, therefore, ought to hesitate before insisting upon those towns going back to the hours named in the Bill. It was quite true that the number of boroughs in which the hours had been changed was comparatively small; but he would ask the House to bear in mind that in a tentative measure like this, the majority of the magistrates had acted upon the plan of taking the hours named in the Act of 1872, intending to try an experiment extending over a number of years, and to be guided by it. It was most unfair to draw the deduction from the fact that in a number of towns no change had been made, that therefore it was not desirable to continue the option to the magistrates. In Manchester and his own borough (Salford) the magistrates looked upon it entirely as an experiment, and he held in his hand a telegram just received from one of the justices for the borough of Manchester, stating that the magistrates there were so much impressed with the advantage of having this option, that if it were left to them till the next Brewster Sessions,

they would fix the hour of opening in the morning at 7 o'clock. He would say just a word on the question of discretion. He confessed that he could not view the argument used by his right hon. Friend as being conclusive as to the difference between the discretion which this clause proposed should be retained, and that which he himself had adopted, because if the House voted for that Amendment which the right hon. Gentleman proposed, what was it the justices had got to deal with? There was nothing in the Amendment as proposed to show that the place was to be in the nature of a town. The words "populous place" meant "any area which by reason of the number and density of its population," the licensing justices might by order determine to be a populous place. That, after all, only meant any area densely populated, so that if there were a number of houses closely packed together, that was a populous place to which the Justices should apply the provisions of the Amendment. With regard to the argument that the magistrates would only have to find the fact as to whether there was a sufficient populace or not, he confessed that, to his mind, the argument failed altogether. The magistrates were to declare this for a particular purpose, and for a particular purpose only, and the justices were quite as likely to be swayed by their prepossessions to close at 10 or 11 as in the case of fixing the hours of opening. On those grounds, he ventured to submit the clause to the House, and the House must remember that the question of the hour of opening in the morning differed materially from that of the hour of closing in the evening. With regard to the morning hours, they had only to consider the wants of those who were employed in labour; but when they came to the closing at night, after the men had done their work, they introduced very different considerations. He did not wish to touch the question of evening hours at all, or to interfere with the existing hour of 11 where it was deemed necessary to apply it; and he only alluded to it for the purpose of supporting his own views, that the discretion to be given by this clause was no greater than the discretion contemplated by the right hon. Gentleman the Home Secretary. He did not wish to throw any obstacle in the way of the Bill; but

he wished the Bill to be in a form which would give reasonable satisfaction. No measure could be passed which would not cause some inconvenience; but his proposal was to obviate it as much as possible by leaving the discretion as to the opening hours for a longer time, so as to afford a fair opportunity for testing the question. He therefore begged to move the clause of which he had given Notice.

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. SHAW LEFEVRE said, the hon. Member had anticipated his clause, and as he entirely concurred in the course taken by him, he should support the Amendment, hoping that the Home Secretary would concede to a supporter what he would deny to an opponent. The House must see how absurd it was to lay down any hard-and-fast line which could be applicable to the whole country. No inconvenience had resulted from the hour of 7. He sincerely hoped that under this Bill the House would extend to the magistrates the same discretion as they had enjoyed under the Act of 1872.

COLONEL BARTTELOT said, he hoped that the House would not agree to the clause of the hon. Member for Salford. Until that day they had had no absolute principles laid down with respect to the Bill. Now, however, they had got some definite principles which the Home Secretary meant to stand by, and he, for one, intended to support the right hon. Gentleman. The principle was that as the hours were concerned the magistrates were to have no discretion. Some little difficulty might arise on the question of populous places; but he thought the Licensing Committees would have no difficulty in dealing with the matter. It would be most invidious to give magistrates the power to fix hours in certain towns, and he trusted the House would never consent to it.

MR. WYKEHAM MARTIN said, the Home Secretary should have solved the difficulty of definition by scheduling certain towns in the Act. If seven o'clock was insisted on people would suffer great hardships, especially the

bargemen and others who went down the Thames at an early hour.

SIR CHARLES RUSSELL opposed the Motion of the hon. Member for Salford. He considered it would be a far less evil to fix the hour at six o'clock than to allow a discretionary power to magistrates, because it was sometimes exercised in a very peculiar manner. He happened to be connected with the Zoological Gardens, where the magistrates had seen fit to forbid the sale of liquor or provisions on Sundays, to the great inconvenience of visitors to the Gardens. The hon. Member for Carlisle (Sir Wilfrid Lawson) would be sorry to hear, that in consequence of the ruling of the magistrates, the monkeys had for two Sundays been deprived of their nuts and the bears of their buns. No improvement had taken place in the health of the bears, and enforced idleness had been attended with mischievous consequences to the monkeys. Remembering this case, he was glad to see that the Government were to limit the discretionary power of magistrates.

SIR HENRY JAMES pointed out that to be consistent the House ought to support the Motion of the hon. Member for Salford. The Government gave the magistrates greater discretionary power than did the hon. Gentleman's motion. Under the Government proposal magistrates would have it in their power to say what was and what was not a populous place; and it might gratify the hon. Member for Westminster (Sir Charles Russell) to know that the justices would have it in their discretion to declare whether the Zoological Gardens came under the definition of a populous place. If the House opposed the hon. Member they would be bound to oppose the Government. ["No, no!"] Well, of course, hon. Members need not be consistent unless they liked.

MR. GOLDNEY considered that the argument of the hon. and learned Member for Taunton (Sir Henry James) had nothing whatever to do with the question they were discussing. All that the House was considering was the hour at which public-houses should be opened in certain districts. He approved of not leaving the justices any discretion as to the time of opening. He hoped the Home Secretary would not depart from the clause as it now stood.

Mr. Cawley

LORD ESLINGTON said, he hoped the Home Secretary would be induced to look with favour on that proposition. It was because he desired by-and-by to vote with the Government that he was disposed now to support the hon. Member for Salford. It had been asked by hon. Members on the Opposition benches if this discretion was to be allowed magistrates as to the hours of opening, why should they not have the same discretion with respect to the hours of closing? Well, the reason was very simple. The two positions were totally different. The regulation of the hours of opening in the morning should be made with reference to the convenience of the people; but the hour of closing at night was a question of morality and public order. ["No, no!"] He thought it was, and that such was the view which the House had taken of it; but in the morning no such question arose. People went then to public-houses for refreshment, and not for the purpose of drinking. With regard to the matter of discretion, the Government was going to give—at least they intended so proposing—the magistrates the discretionary power of determining what were populous places. If it was right for licensing authorities to be entrusted with power of that description, surely they might be trusted with fixing the hours of opening. The later hour of opening in the morning had worked so well in his district that magistrates acting in adjoining places were struck with the good effects of the arrangement, and were themselves prepared to adopt the late hour opening rule. He hoped he should not hear any objection raised to the Amendment of the hon. Member for Salford (Mr. Cawley) on the ground that it was inconsistent with the principle of the Bill.

MR. FRESHFIELD said, he thought it might be taken that the discussion that had occurred on the measure in its progress had established the proposition that no fixed hour for the opening and closing of public-houses could meet the reasonable requirements of all places throughout the country. The exception made by the right hon. Gentleman the Home Secretary, whose measure this was, in favour of the metropolis, in whose interest he had extended the hours of closing till 12.30, as well as the distinction made between places

of more and of less than 2,500 inhabitants, went far to establish this principle. Then, if that were so, the question upon the hours of opening and closing was this—Whether it was not possible, more approximately and more closely to meet the requirements and the reasonable convenience of places throughout the country, by adopting a course other than fixing one hard-and-fast line, which could not meet the varying interests, habits, and convenience of various places. He would assume—and did assume—that the right hon. Gentleman meant by this Bill to do all that was possible to advance the interests of all who were affected by its provisions. But in that view he would ask him whether he did not know that there were many places, not certainly so large, so populous, or so important as the metropolis, but still large and important, which required the application of a principle analagous to that applied by the Bill to London? He spoke, of course, especially on behalf of the borough he had the honour to represent (Dover). It would be admitted that Dover was one of the most important places in the country. The habits of Dover were both early and late. It had a large maritime population as well as persons engaged in trade. The fishermen sailed early in the morning, and returned from night occupation very early in the morning. Many persons had to go to work at very early hours. So, at night—for it was impossible to separate the question of opening from that of closing—the Continental boats sailed a few minutes before 11; many persons were in attendance on them; many had to spend the whole night on and near the pier. At present the hour fixed by the local authorities for opening in the morning was 5. This was not a moment too early for the persons particularly affected by it; to them the hour of 7 was a comparatively advanced period of the day, and they required refreshment at the earliest hour after a night spent at sea, or on the eve of embarking. So, the Continental boats sailing a few minutes before 11 at night, those attending on them could not return into the town before that hour. Was it reasonable that they should reach the public-house to find its doors just closed? At present the hours fixed for closing by the local authorities was 11.30. Why did the right

not to go over the counter of the grocer. Another chief constable reported that the system had created a great deal of intemperance, and drunkenness was decidedly on the increase. The gaol chaplains made similar reports. One of them stated that it was driving respectable married women in shoals to intemperance. In Bath, intoxication was becoming the habit of the females of the working classes. In Bradford there was every facility for private drinking. They had a similar report from Darlington and Deal. In Gateshead the "females were much tempted," and private drinking was on the increase; as was also the case in Kendal, Liverpool, Sheffield, Middlesborough, and Newbury. From Newport, in the Isle of Wight, the report was to the same effect; and, in fact, it was impossible to go over the Returns to the questions asked by the Home Secretary under this head without seeing that the licences of this description had led to a large and most undesirable increase of drinking among the women of the middle and the lower middle classes, and their consequent moral degradation. Many of the grocers who held these licences had their premises close to public-houses, and it seemed to him that they were doing great injustice to the proprietors of these houses, which were instituted not only for drinking, but for victualling purposes. Grocers did not pretend to do anything of that kind, but simply to retail articles which had to be carried away for consumption elsewhere. But though tea, sugar, and other articles sold by grocers might in themselves appear harmless, it was upon record that the privilege of selling by retail wines, spirits, and beer, had had a demoralizing and deplorable tendency. He thought, therefore, that when they were called upon to legislate for public-houses in the interests of public order and morality, they ought to legislate also with respect to grocers' licences. That they had led to most mischievous results there could be no doubt. He did not propose by his new clause to withdraw the licences from those who now possessed them, but simply to prevent the issue of such licences in future, and he thought that such an enactment as he proposed would be for the benefit of the community at large, and that it would also increase the respectability of the public-houses

who would have returned to them a class of customers respectable in themselves, but who would be amenable to the general conditions of the publican's licence. There was no doubt, he believed, that the 30 per cent which the grocers could clear by the sale of wine, spirits, and beer, made them neglect their proper duties—the sale of tea, coffee, sugar, spices, and so forth. There was also a little doubt that the more attractive trade to them was a source of public mischief, and he hoped the Home Secretary would accept the new clause which he begged leave to move.

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

SIR WILLIAM HARCOURT opposed the Motion. He hoped the House and the Government would not adopt the clause. It was rather novel to hear his hon. Friend advocating the rights and liberties of the publicans. Though the clause was apparently proposed in the interests of the public, its real object was to shut up the grocers for the purpose of benefiting the publicans and the beershop keepers. His hon. Friend had read all the Reports from the Mayors and local authorities which he could find in the Returns laid upon the Table in reply to the question put from the Home Secretary; whether the issue of grocers' licences had led to an increase of drinking? But what was the result? Out of 147 official replies to that question, only 17 at the utmost were in the affirmative, and 108 were distinctly in the negative. That ought to be conclusive so far as practical results were concerned; in fact, the grocers were the wine merchants of the middle and the lower middle classes of the community. A rich man could go to his wine merchant and order a stock of the best wines he desired to be laid down in his cellars; but the middle class man, within his means and his needs, could at the time he ordered his currants, his raisins, his coffee, his tea, and his sugar, get what he required in wines and spirits at the same time. The hon. Member did not say that if they went to the public-houses they would be served better or cheaper. But what his hon. Friend did propose

was to prohibit in future the issue of all grocers' licences. He would not agree with the question whether such a course was either just or expedient. He would simply call the attention of his hon. Friend and of the House to the fact that such an enactment would create anew a vast and a grievous monopoly—a monopoly which would be worth thousands of pounds to those who now held these grocers' licences. It would, in effect, say that there should be no new Fortnum and Mason established, no matter what the requirements of the public might be in the future; and he could not believe the House would consent to the establishment of such a monopoly either in the past or for the future. His hon. Friend, however, while proposing to limit the number of licences, had not mentioned that a grocer's licence for the sale of wines, spirits, beer, and sweet British wines, cost £29 13s. 3½d., while the licence to the public-house was only £17 15s. That was an argument which had little weight in itself; but inferentially it testified to the respectability of those who held those licences. It seemed to him unfair to suppose that because a man took a bottle of spirits home with him he was going to drink it all at once himself; on the contrary, he would be more likely to drink it in moderation, and to share it with his family; and therefore the invective against a man buying a bottle of spirits and taking it home with him was an unjust reflection upon his character. He hoped the Government would not accept this Amendment, nor the principle suggested by his hon. Friend, of stereotyping the existing monopoly.

MR. STAVELEY HILL quoted from the Returns made by different boroughs in reply to questions addressed to them by the Home Secretary, the great majority of the answers to which showed that spirit drinking had not increased to any extent through the facilities afforded to grocers with regard to the sale of spirits, consequently they could not press the Government to withdraw the grocers' licences altogether when there was such a body of testimony in their favour. As the answers to another question in the same Returns, however, urged strongly that the grocers should be placed under the same supervision as other dealers in intoxicating liquors, he hoped the hon. Member for Durham

would not press his Amendment, having in view the Amendment which followed, and which he (Mr. Staveley Hill) was about to move on behalf of his hon. and learned Friend the Member for Norwich (Mr. Huddleston).

MR. ASSHETON CROSS said, he hoped the hon. Member would not press this Amendment, because if it were carried it would practically shut out the grocers' licences altogether, not only for the sale of spirits but also of wines, which was quite another question, and create a gigantic monopoly. The hon. and learned Gentleman who had just sat down had a different clause which would come before the Committee, the purport of which was not to prevent grocers from selling spirits, but to place the grocer who sold spirits and liqueurs on the same footing practically as the publican. That was a question which might be well worth the attention of the House.

Motion and Clause, by leave, withdrawn.

MR. PEASE next moved the following Clause:—

"So much of section eight of the Wine and Beerhouse Act, 1869, as provides that applications for certificates under that Act shall not be refused, except upon one or more of the grounds therein specified, shall be repealed: but this repeal shall not affect the renewal from time to time of any such certificate in force at the passing of this Act."

The hon. Member said, this applied to the sale of liquor to be consumed off the premises, giving the magistrate power to refuse a certificate if the applicant failed to produce satisfactory evidence of good character. At present magistrates had practically no jurisdiction whatever, and by this Amendment it was proposed to give them discretionary power in the granting of licences for the consumption of beer off the premises.

Clause brought up, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. RATHBONE asked the right hon. Gentleman the Home Secretary to pause before he accepted any Amendment which would add to the enormous power of the licensed victuallers' monopoly anything like a monopoly on the part of the grocers.

MR. GREENE said, that if there was any safeguard in this matter it was that there should be a check upon this monopoly; and the granting of outdoor licences for home consumption was intended to have that object. If they were to do away with this power, which was so safely guarded by the clauses of the Act of 1869, they would be handing over the public to a great monopoly.

Motion and Clause, by leave, *withdrawn*.

MR. STAVELEY HILL then moved the following Clause:—

(Licences for liqueurs and spirits granted after the passing of the Act where acquired by s. 68 of the principal Act to be granted, &c. as public house licences.)

"Section sixty-nine of the principal Act is hereby repealed.

"A licence for the sale of liqueurs or spirits by retail not to be consumed on the premises as required by section sixty-eight of the principal Act, shall be granted, renewed, transferred, and removed, in the same manner and on the same conditions in all respects as a licence for the sale of intoxicating liquors in pursuance of "The Intoxicating Liquors Licensing Act 1872," and any Act amending the same: Provided that no qualification of annual value shall be required.

"Nothing in this section shall apply to any licence for the sale of liqueurs or spirits granted before the passing of this Act under the provisions of section sixty-nine of the principal Act, so long as such licence is renewed, whether it continues to be held by the same person or is transferred to any other person."

There could be no doubt whatever that a great deal of harm was done among women by a practice of private tippling arising from the facilities which existed for getting spirits at the grocers'. Spirits were purchased there and entered in the book as groceries. The effect of his Amendment would be to place grocers who sold spirits under the same magisterial supervision as public-houses, and to enact that there should be no abuse, as at present of their licences. He did not think that it would be running any danger to place such a power in the hands of the magistrates. They would exercise that power wisely and impartially, and the cause of temperance would be greatly promoted. So far as his experience went the claims of the grocers had always been fully considered.

Clause brought up, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. MELLY said, he thought that the 113 Mayors who answered in the negative the question from the Home Office, as to whether there would be any objection to put grocers on the same footing as publicans, hardly knew the momentous nature of their answers. It was all very well to talk about magisterial supervision; but the House must see that restriction of the grocers' licences would mean the creation of another monopoly in the persons of the grocers. The Chancellor of the Exchequer might take a piece of advice and double the grocers' licences if he pleased; but he must give the licence to everybody who applied for it. Remember if one grocers' licence was refused, every one of the 4,600 existing licences became at once a property to be renewed, transferred, and sold, a new vested interest, a new monopoly. Had not the House had enough in 1872 and 1874 of the gigantic vested interest of licensed victuallers and of beer-houses? That monopoly had grown up till no ministry could deal with it. Let them beware of the creation of a new one. Again, that Bill was a police Bill. They were dealing with law and order, public decency in the streets, restricting the hours of drink on the premises. They had wisely fixed that licensed grocers must close at the same hours as public-houses, but he hoped the House would not be led away by this clause from the real object of the Bill, which was not to restrict drinking, but to restrict the hours of drinking. This restriction could not apply to the grocers, who were, or ought to be, in the position of the wine merchants. Hon. Members said a great deal about the amount of drinking by women at home out of bottles bought in grocers' shops. They might as well complain that some women went wrong because they spent too much on dress—and shut up drapers' shops. The two complaints would parallel each other. If the country was to have sumptuary laws for one thing, they would be asked to pass sumptuary laws for others. The clause was sprung upon the House on the report of a police Bill. It involved a totally new and vicious principle never yet adopted by the Legislature. He could order six dozen of champagne to be sent to his house. The working man had an equal right to buy and take home a bottle of spirits.

MR. LOWE said, he hoped the Home Secretary would well consider before giving his assent to the clause before the House. The principle involved in it was not only one of great importance, but of the greatest danger. Why was it that licences were required for the publicans? It was not because the publicans sold spirituous liquors, but because they sold them to be consumed on the premises, and because this consumption involved the danger of disturbance and the necessity for police regulations. But was there any parallel between the public-house and the grocer's shop where spirituous liquors were sold in order to be immediately taken away? To apply the same rule to both was to apply it to cases essentially different. Look at the injustice which the House was asked to commit. It was proposed to put the grocers under the power of the magistrates, who were, if they thought fit, to withdraw their licences, and yet at the same time to leave the wine merchants free. Why should the grocers be treated in this invidious manner, and made liable to this species of proscription? The House was asked to create a monopoly in a new kind of property, and to violate every principle upon which the Government had acted for the last 30 years. The grocers' licences were really Revenue licences, and what was now proposed was to convert them into police licences. They were simply the means of collecting the tax on spirits. He trusted that the Home Secretary would not seriously think of adopting this new clause without consulting the Chancellor of the Exchequer; because the effect of limiting this trade would be greatly to limit the Revenue. If this clause were passed, why should the House not extend the principle to other than the grocers' trade in spirits? Why should it not also restrict the sale of other articles which were supposed to do harm? Many people smoked more tobacco than was good for them, and why not, therefore, give the magistrates power to limit the number of tobacconists' shops in every town? Restrictions of this kind would only create a monopoly, and send up the value of the articles dealt in to a monopoly price.

MR. MILLS said, that he did not agree with the hon. Member for Stoke (Mr. Melly) that the passing of this

clause would be unjust. He had extremely little faith in the utility of any legislation to check intemperance; but it seemed to him that the step proposed was a step in the right direction. It was unfair to put forward in this case the case of grocers and the poor man against the wine merchant and the rich man. It was a notorious fact that these grocers' shops which existed for the sale of spirits in small quantities, did lead to intemperance, and that they were in no sense analogous to the establishments of wine merchants. He contended that they might very fairly put grocers upon the same footing as publicans as far as magisterial supervision was concerned. That would be no injustice to the grocer, and it would be simple justice to the publican. He confessed he saw no difference whatever between the one trade and the other.

SIR WILLIAM HARCOURT said, the difference was this. Legislation dealt on a totally different principle with persons who sold liquors for consumption on the premises, and those who sold liquors for consumption off the premises. If the publican were a mere seller of liquor to be taken away, there would as between himself and the grocer be no distinction whatever. But the difference did exist. What the House had to consider was what was fair between both parties. The hon. Member for Stoke (Mr. Melly) was quite right in saying that this Bill was not a Bill to restrict drinking. Why, therefore, meddle with the grocers, who were in no danger of causing disturbance about hours or anything else. A large question like this should have been dealt with in the Bill as originally framed, and certainly should not have been brought forward for the first time at this stage of the measure. He hoped the right hon. Gentleman the Secretary for the Home Department would not assent to it.

MR. ASSHETON CROSS admitted that the question had been brought before the House and the country somewhat suddenly, and he really doubted whether the matter was fully understood by those persons who were affected by it. Besides, as the question was a monetary one, his right hon. Friend near him (the Chancellor of the Exchequer) and the Treasury ought surely to have time to consider it. He might also add that the entire question would probably

be raised before long on a Royal Commission to be issued in reference to Scotland, and some valuable information might be expected. Under these circumstances, the discussion could be most conveniently postponed until some future time.

Motion and Clause, by leave, *withdrawn*.

MR. AGG-GARDNER moved the following clause:—

(Remission of duty to holders of licences outside metropolitan district.)

"The holder of a licence for any premises situate elsewhere than in the metropolitan district shall pay six-sevenths of the duty for which he would be liable were such premises situate within the said district.

The hon. Gentleman contended that the publican in the country who opened later and closed earlier than the publican in the metropolis, ought not to pay the same amount of duty as the licensed victualler in the latter, as he would not have the same business advantages as those in the metropolis. He referred to the anomaly in the Bill by which a licensed victualler outside the four-mile radius of the metropolis was obliged to close at 11 o'clock, while his neighbour at the opposite side of the way could be open until 12.30, yet the former would have to pay the same amount of duty as the latter.

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. ASSHETON CROSS observed, that the amount paid for Excise duties was regulated by the amount of rating, and houses outside the town being, as a rule, of less value than those in it, they did, in fact, pay a less duty than the former. He could not support the clause.

MR. SCOTT said, he was of opinion that the principle embodied in the clause was an *excessively fair one*. He hoped that Her Majesty's Government would make a few concessions to their own side of the House. For the last session had been made to the hon. Member for Carlisle Sir Wilfrid Lawson, and Mr. Mellor. He thought the publicans in the metropolis would have such an advantage over those in the country, that the latter should receive some compensa-

sating reduction in the amount they paid for their licences.

MR. ASSHETON CROSS observed, that probably at some future time the whole of this question might be taken into consideration by the Chancellor of the Exchequer.

Motion and Clause, by leave, *withdrawn*.

MR. PEASE moved the following new clause:—

(Power to close and to refuse to sell liquor.)

"A licensed person shall not be bound to keep the licensed premises open, nor to admit or allow persons to remain therein, nor to sell liquor to any person, but may lawfully close and keep closed the same, and refuse to sell liquor therein, whether closed or unclosed, during the last hour during which the same may be lawfully open, or any part of such hour."

He advocated this proposal on the ground that while the police would be sure to know the precise time at which the premises should be closed, licensed victuallers in all cases might not, and in order to escape the danger of penalties might desire to close an hour or half an hour earlier. He hoped the right hon. Gentleman the Home Secretary would accept the clause.

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

SIR JOHN KENNAWAY said, that the proposed clause had direct reference to the market-days in the country towns, on which days publicans wished to keep open the full hours, while all the rest of the week they would like to avail themselves of the early closing provisions of the Act. He hoped the Home Secretary would concede the full hour, or, at any rate, the half-hour.

MR. ASSHETON CROSS said, he had provided in various clauses that those persons who wished to close at an hour earlier than that fixed by the Act might do so. The permission was only coupled with the condition that they must state on their licence that they were willing to do so, and must print it up over their door. The publican really took the licence for the benefit of the community, and it appeared to him that one of the great anxieties of hon. Members was that in all the market towns the houses might be kept open until

11 o'clock. This proposal was a perfect novelty in legislation, and he thought it would be better to leave the matter alone.

MR. GRANTHAM said, he had an impression that under the Common Law of the land there was nothing to compel a publican to keep open his house, and that he was at liberty to exercise his own discretion on the point, although, no doubt, a licensed victualler, as an innkeeper, was so compelled. Perhaps the hon. and learned Member for Oxford (Sir William Harcourt) would give his opinion on the subject.

SIR WILLIAM HARCOURT expressed surprise that the hon. and learned Member should appeal to him, when the Law Officers of the Crown were employed for that particular purpose. He thought the Home Secretary was not exactly aware of the difficulty in this case. There was one market-day in the week when the publicans wished to keep open late, because they got custom, and the hardship they complained of was this—that because they wanted to keep open late that one day in the week they were compelled so to keep open late for six days.

MR. MONK pointed out that the proposed clause enabled a publican to "refuse to sell liquor therein, whether closed or unclosed." That was a new principle altogether in legislation, which he hoped the House would not sanction. A traveller might call and find the house open, and yet the publican might refuse to sell liquor to him.

Question put, and *negatived*.

MR. GOLDNEY moved the following clause :—

(Saving as to Section 9 of the principal Act.)

"Section nine of the principal Act shall not prohibit an internal communication between any licensed premises and any theatre duly authorized as such by letters patent of Her Majesty, or by licence of the Lord Chamberlain or of justices."

At present, he said, in consequence of an unintentional definition of "licensed premises" in the 1872 Act, no internal communication was allowed, and persons wanting refreshment had to go out into the street and pass by an external entrance into that part of the premises where refreshments could be obtained.

Clause *brought up*, and read the first time.

Mr. Assheton Cross

MR. ASSHETON CROSS said, he had no objection to the removal of the prohibition in theatres authorized by Letters Patent, or by licence of the Lord Chamberlain.

MR. GOLDNEY consented to strike out the words "or of justices" at the end of the clause.

Clause read a second time, amended, and *added*.

MR. FORSYTH said, he desired to propose a clause with the view of enabling licensed victuallers to entertain their private friends as guests after the hours of closing without being liable to penalty. The words of his clause, in its amended form, were these :—

(Persons not to be liable for supplying liquor to private friends without charge.)

"No person keeping a house licensed under this or the principal Act shall be liable to any penalty for supplying intoxicating liquors, after the hours of closing, to provide friends *bona fide* entertained by him at his own expense, provided that such person shall have previously obtained the leave of a justice or the superintendent of police for that purpose in writing."

The present practice was to give notice to the superintendent of police, and leave was invariably granted; but doubts existed whether this permission was legal, for by the Act of 1872 there was no power to dispense with the obligation on a publican not to allow liquor to be consumed on his premises after certain hours. The present Bill did not repeal section 25 of the old Act. His only object was to place beyond doubt the right of the publican to entertain a *bona fide* guest at an evening party after 12 o'clock, on obtaining leave for so doing from a justice of the peace or the superintendent of police. He believed the Government had no objection to his proposal.

Clause *brought up*, and read the first time.

MR. MELLY considered the proposition fair and proper, and would support the principle, but he suggested the introduction of the words after "previously obtained," "on such occasion." The licensed victualler had a right, without interference, to entertain his friends. The bench where he had the honour of a seat had always granted these permissions. If the law was not clear on the point, let it be made so as by this clause.

MR. WYKEHAM MARTIN reminded the House that in some villages it would be hard to find, when the publican wanted him, either a justice of the peace or the superintendent of police. The last line and a half of the clause had better be omitted, leaving the publican at liberty to entertain *bond fide* guests.

MR. ALDERMAN COTTON warmly supported the clause, maintaining that it was most unjust to deprive publicans of the privilege of entertaining their friends whenever they pleased.

SIR SEYMOUR FITZGERALD regarded the proposed clause as placing the publican in a worse position than he was in before. Its effect would be simply this. A publican might entertain his *bond fide* private friends and guests; but in order to do so he must obtain permission from a magistrate or superintendent of police. That was about the most insulting proposal he had ever heard. He could not believe that the hon. and learned Member for Marylebone (Mr. Forsyth) moved such a clause because of his own private opinion; but he rather supposed the restriction was put upon him by the Home Secretary. The more graceful course would be to remove the restriction altogether, leaving the publicans to entertain their private friends whenever they pleased.

MR. KNATCHBULL-HUGESSEN said, he thought there was great force in the objection. It was rather hard on the licensed victualler that he should be obliged to obtain leave of the justices before he could entertain his private friends. Moreover, such cases might frequently arise on a sudden, and it would not be possible for him to obtain the leave of a justice. He moved that the last words of the clause should be omitted.

MR. GREGORY, who had formerly proposed a similar clause, had, on a reconsideration of the matter in consultation with others, arrived at the conclusion that such a clause was not necessary. The case of a licensed victualler entertaining *bond fide* private guests did not come within the prohibitions contemplated by the Act. He did not see why, as the Bill now stood, an innkeeper should not be at liberty, like any other of Her Majesty's subjects, to entertain his private friends, and he did not think it necessary that the clause should be in the Bill at all.

MR. MUNTZ said, he thought they were treating licensed victuallers as if they were some dangerous criminals. They were not allowed to do this or that or see their own private friends unless by a special licence. The clause was not asked for by them. He thought, with the hon. and learned Gentleman who had just sat down, that it was not wanted in the Bill. It was an insult to everybody, and he hoped the Home Secretary would not consent to it.

SIR CHARLES RUSSELL was also of opinion that the clause ought to be omitted. There was no doubt that entertaining private friends might lead to abuse; but the licensed victuallers were a highly respectable body, and would not have recourse to any sham or trick. He suggested, however, that the words of the Act should be so plain that everyone would understand them. He objected to a licensed victualler being brought up on every occasion before a magistrate in order to get his decision as to whether the publican had or had not been entertaining his friends.

SIR WILLIAM HARCOURT said, he thought the suggestion thrown out, that when licensed victuallers wished to entertain their private friends they should go to the police for permission, was like treating them as ticket-of-leave men. He entirely agreed with the hon. Member for Horsham (Sir Seymour Fitzgerald) that nothing more insulting could be said of a respectable body of men. He agreed with the hon. and learned Gentleman opposite (Mr. Gregory) that there was no use in leaving the clause in the Bill at all, for it was not wanted. If a man received his friends to entertain them it was not keeping his house open for the sale of intoxicating liquors, and no penalty was attached to it. It was quite clear the clause was not requisite, and he hoped the right hon. Gentleman would strike it out.

MR. STAVELEY HILL said, he thought the clause was entirely unnecessary. He had himself an Amendment on the Paper which would meet all the difficulties. He proposed to add to Clause 8 the words, "in contravention of this Act," and thus all objections would be set at rest.

MR. WATKIN WILLIAMS said, he believed the law was quite clear on the subject, but it was not so clear that

magistrates in the country districts would be of the same opinion. Licensed victuallers, like everybody else, ought to be at liberty to entertain their friends, and for his own part he should vote for the rejection of the last two offensive lines in the clause.

MR. ASSHETON CROSS was of opinion they had discussed the question long enough. From representations made to him, he had some doubts whether the magistrates would think it was the law for licensed victuallers to entertain their own friends, and he should therefore omit the last two lines of the clause.

MR. KNATCHBULL - HUGESSEN moved the omission of the Proviso.

Motion agreed to.

Clause read the second time, amended and added.

MR. ALFRED MARTEN moved to insert the following clause:—

(Saving of existing hours in certain places.)

"The respective hours in force at the time of the passing of this Act for opening and closing public houses in any place, beyond the metropolitan district, shall be the respective hours for opening and closing licensed premises in such place instead of the respective hours which but for this section would be appointed by this Act in that behalf."

He said, that the object of the clause was that in those places that were beyond the Metropolitan district, and in which different hours from those appointed by the Act of 1872 were in force, those different hours should continue to be the hours for opening and closing licensed premises. According to the Return furnished, on the Motion of the hon. Member for Stoke (Mr. Melly), (Return No. 382 of the Session of 1873) there were about 890 licensing districts in England and Wales; and in about 200 of these districts the justices had under the powers of the Act of 1872 made alterations in the hours. It appeared that in 65 districts the hour of opening in the morning was altered so as to be earlier, being 5 or 5.30 A.M. instead of 6 A.M. fixed by the Act of 1872; and that in 55 districts, the opening hour was made later, being 7 or 7.30 A.M. On the other hand, with regard to closing, there were 75 districts where the closing hours were altered from 11 o'clock P.M. appointed by the Act of 1872, to 10 or 10.30 P.M., and 13 districts where the hours of closing were extended to 11.30 P.M. or 12 P.M. Of these 13 districts the hour

was 11.30 in 8 districts, and 12 P.M. in 5 districts, including Cambridge. He observed that the shorter hours were generally in the North or in Wales, while the longer hours were generally in eastern or southern districts. In Norfolk there were 9 districts in which the opening hour was 5 A.M., and 23 boroughs, including Cambridge, had adopted the same hour of 5 A.M. for opening in the morning. Five boroughs, including Liverpool, had adopted the later hour of 7 A.M. These variations showed that different hours were required in different places. Liverpool seemed to be satisfied with the late hour of opening, and he was willing that Liverpool and other places which had adopted that hour should retain it. But he claimed for Cambridge and the other places which had adopted the hour of 5 or 5.30 A.M. for opening, and 11.30 or 12 P.M. for closing, the same consideration. In a case of this description, symmetry was not to be anticipated. The principle to be carried into effect should be the principle of accommodating the reasonable wants of the public. The licensing justices by their action in the several cases in which they had deviated from the hours fixed by the Act of 1872 had shown their opinion of the needs of the public in their several districts. The House might well adopt the justices' conclusion. It was the object of the clause under consideration to give permanent effect to what had been done by the licensing justices. This course would avoid the inconvenience of leaving the matter of hours in the hands of the licensing justices, which was so strongly objected to, and would practically satisfy everybody interested in this vexed question of hours. Without repeating what he (Mr. Marten) had said on a former occasion in the House, as to the inconvenience to the public of the 11 o'clock closing hour at Cambridge, he would venture to lay before the House the facts as to the proposed change in Cambridge of the opening hour from 5 A.M. to 6 A.M. At Cambridge there were three classes of persons for whom the hour of opening at 5 A.M. was requisite. In the first place, there was the large class composed of labourers and artisans, such as might be found in every considerable town. Their work at Cambridge began at 6 A.M., and they often had to go long distances to their work.

Mr. Watkin Williams

They needed licensed houses to be open at 5 A.M., in order that they might obtain their day's supply of beer on their way to their work. They did not drink it then, but they carried it with them for consumption during the hours of the day. If 6 A.M. were adopted as the opening hour, those workmen must either go without their beer, or have it flat and stale from being purchased on the previous day, or one of their number, where they worked several together, must lose an hour, or perhaps more, waiting for the beer in the morning, and must bring it with him after his companions. The next class, a large one, who would be injuriously affected by the late opening at 6 A.M., was the class of agricultural labourers and coprolite diggers. They began work very early in the morning in the summer, and they at all times of the year required their daily supply of beer before 6 A.M. Often they worked at a considerable distance from any licensed house. The remaining class, to which he referred, was that of the railway servants, who, as the House was aware, were an important portion of the population of Cambridge. The night shift of railway servants came off their work and the day men came on between 5 A.M. and 6 A.M. They came off hot, hungry, and thirsty, having been engaged in work, which was very hard and very hot, and very fatiguing. Those men naturally looked for refreshment at that time. On the other hand, the day men coming on before 6 A.M., were sent away in gangs for plate laying, permanent way repairing, or were otherwise employed in the business of the railway, often at a distance of from two to three or even six miles from a public-house. Those men reasonably enough desired to obtain their beer for the day, so that they might take it with their store of food, when they started in the morning. Now, why should not the fair and reasonable wants of those several classes he had mentioned of working men be accommodated? Why should not the houses continue to be open as heretofore at 5 A.M. for their use? No one suggested that drunkenness would be increased by the early morning hour. The men of each class he had referred to, as a class, were as sober as any class that could be named. In fact, Cambridge was an exceptionally sober place. That was shown by the Police Returns, and was,

indeed, admitted by his right hon. Friend the Secretary of State for the Home Department. Now, that was the case, although the hours at Cambridge were from 5 A.M. to 12 P.M., the justices having extended the hours to the longest allowed by the Act of 1872. He (Mr. Marten) ventured to press the clause upon the Government and the House, as affording a safe and practicable mode of satisfying the various local necessities as proved and recognized by the established course of action of the justices in their several districts.

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. ASSHETON CROSS said, he could not agree with the hon. Member's Motion. He thought the question had been already settled, and for that reason hoped he might be excused from saying more on the subject.

SIR WILLIAM HARCOURT said, he was much surprised that a Motion of this kind should be brought forward by the hon. Member for Cambridge, whose support they never had had on divisions which afforded the opportunity of doing that which he professed to have in view. The Government now could not accept his proposition. The person who had destroyed the prospects of his own clause was the hon. Member for Cambridge.

MR. FRESHFIELD said, he thought that a hard-and-fast line was not the way of treating this question in the way best adapted to the interests of the country. The interests of various localities ought to be considered, and he very much regretted to see them ignored.

Question put, and *negatived*.

MR. PEASE moved to insert after "retail," in Clause 2, page 1, line 15, "whether for consumption on or off the premises." The hon. Gentleman said, he moved the Amendment with a view of having a satisfactory definition of closing. The question was raised early in the discussion of these Bills whether public-houses were allowed to remain open after closing hours for the sale of articles other than intoxicating liquors. The right hon. Gentleman (Mr. Cross) had expressed an opinion one way, and

the question was decided in the negative by an Inspector of Police in the Lobby, who was referred to for the purpose of ascertaining how the law stood in the view of the police. On that somewhat unsatisfactory state of the law the Inspectors and constables throughout the country had acted for many years past. It was right that that view should be thoroughly maintained, or otherwise the duties of the police, already very heavy and difficult, would be greatly increased and complicated. That being so, it was plain that the houses which had been the subject of a portion of the discussion that evening—the grocers' and all others which competed with the licensed victuallers' business—should be placed upon the same footing. If they could not trust the publicans to sell spirits after hours, neither could they be sure that the grocer would not push his bottle of spirits under the counter at the hour of closing, and have them ready for customers after that hour. In all these laws they legislated for the wrong-doer, though the great majority of the licensed victuallers and grocers were respectable men, who would not do anything but what was right in respect to sales after the closing hour. They had no right, moreover, to allow a temptation to stand in the way of any set of men which they might find irresistible. He only wanted to define clearly what he believed had been the law for a very long time.

Amendment proposed, in page 1, line 15, after the word "retail," to insert the words "whether for consumption on or off the premises."—(*Mr. Pease.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, he thought his hon. Friend was under a misapprehension in moving this Amendment. He had always understood the declarations of the late Home Secretary to mean that grocers were under the same restrictions as regarded the sale of intoxicating liquors as the publicans and the beersellers. If it was thought necessary, however, that the law should be more clearly defined, he was quite willing that it should be. There was no obligation to close the house except for the sale of intoxicating liquors. This

was the language of Clause 7, "except for the consumption of such liquors." Now, the previous Amendment did not make that clear. Within the last few weeks a police magistrate decided that a public-house should at a certain time be closed for all purposes. Now, if that was not the law, let them have it made clear what the law was. Let it be clearly stated that the public-house was to be closed for the sale of intoxicating liquors, and for that purpose alone.

MR. ASSHETON CROSS said, he did not think that the insertion of any additional words for that purpose was necessary. There could be no doubt as to the law. When the early-closing Act was passed the houses were closed absolutely for all purposes whatever from 1 o'clock till 4 in the morning. But when the Act of 1872 was passed it was found that a great difficulty and inconvenience would arise to many persons if the houses were closed at 1 o'clock, and therefore the words "for any purpose whatever" were left out. Now, it must not be supposed that if they were found in a private house after 1 o'clock they were there for the purpose of violating the law; but if a policeman found persons at the bar of a public-house where intoxicating liquors were sold, there would be a presumption that they were there for the purpose of drinking them, although there was nothing but bread and cheese before them; but the magistrates would be competent to form an opinion as to the objects for which the parties were there. If the words proposed were inserted he thought it would create a difficulty in the interpretation of the Act. The magistrates might attach more importance to them than they really possessed. The words of the Act of 1872 on this point were copied into this Bill, and as no case of hardship had been brought before him, he saw no reason to make any alteration.

MR. WYKEHAM MARTIN said, he and a solicitor were expelled from a public-house, where they were discussing a matter of law and not consuming intoxicating liquors, because the landlord interpreted the Act as meaning that they were not to be there for any purpose whatever. If the magistrates who acted in that town had been appealed to, they would almost to a certainty have decided against them. He hoped the Home Secretary would take care that the mag-

istrates understood what the law really was.

Amendment, by leave, *withdrawn*.

SIR WILLIAM HARCOURT said, he could not concur in the view of the Home Secretary that the existing law was clear. It was important to make the prohibitory clause correspondent with the penal clause. He therefore moved to insert after the word "closed" the words "for the purpose of the sale, exposure for sale, and consumption of such liquors." This Amendment would enable a man to keep open his house for the sale of a cup of tea and other refreshments, and he hoped that the Home Secretary would accept it.

Amendment proposed, in page 1, line 15, after the word "closed," to insert the words "for the purpose of the sale, exposure for sale, and consumption of such liquors."—(*Sir W. Vernon Harcourt.*)

Question proposed, "That those words be there inserted."

MR. DILLWYN said, if the Amendment was not adopted the clause would give rise to misapprehension.

MR. MELLY said, he hoped the matter would be left to the discretion of the magistrates.

COLONEL BARTTELOT said, he thought it absolutely necessary that words should be inserted to make the matter clear and definite.

MR. BULWER said, he was in favour of having as few restrictions as possible placed on public-houses, but if houses were not to be closed for all purposes a door would be opened for the evasion of the law. At the same time he had no doubt that the insertion of the words would give rise to evasion. But then the House ought to be prepared for that. If the law were as the Home Secretary had stated and these words were unnecessary, then the eyes of the public would be very much opened; but if they were necessary, then he would have them inserted.

MR. SHAW LEFEVRE said, he thought the hon. and learned Gentleman (Mr. Bulwer) had furnished the best possible argument against the introduction of the words when he said it would lead to evasion.

COLONEL JERVIS said, that as a proof that the hotel-keepers throughout the

country did not consider the law was as it was represented by the Home Secretary, he would mention that if a gentleman went on business to a country town and put up his horse and trap at an inn, he would have to walk home a distance of perhaps eight or ten miles, unless he got his horse and trap out before 11 o'clock at night.

MR. CAWLEY also supported the Amendment, but suggested it should be verbally amended.

MR. ASSHETON CROSS said, he had no hesitation in saying that the law was as he had stated it to be. If there was a misconception of it, the publican had the advantage of it, as it furnished him with a licence to clear his house of the customers. If the words were put in they would lead to a great deal of evil, unless other words were also introduced limiting their application.

Question put and *negatived*.

MR. JAMES moved to strike out the saving clause to Clause 2, and to enact that, as regards Sunday, the afternoon hours of closing shall be from 3 o'clock to 6 o'clock in the metropolis, in the large towns and populous places from 3 o'clock to 7 o'clock, and in rural districts from 3 o'clock to 7 o'clock.

Amendment proposed, in page 1 line 18, after the word "and," to insert the words "on Sunday afternoon from three until six o'clock, and."—(*Mr. James.*)

Question proposed, "That those words be there inserted."

MR. ASSHETON CROSS said, he hoped the House would look to broad principles, and not discuss details. He had given the House a pledge that the Government would reconsider this question and propose what they considered reasonable, and in fulfilment of that pledge he had put an Amendment on the Paper, which he should be prepared to move at the proper time, which was to omit 7 o'clock and insert 6 o'clock. He believed that would meet the general concurrence of opinion on the question, and therefore he hoped the House would not be led astray in making narrow distinctions between town and country. He, therefore, could not consent to the Amendment, for if the opening at 6 o'clock was required in London it was just as much required in the provinces.

Question put and *negatived*.

MR. MUNTZ moved an Amendment, the object of which was to make the closing time in London on week-days 12.15 instead of 12.30. His object was to limit the time at which public houses should be kept open, instead of 12.30 to 12.15, but then to give in London and the rest of the country a reasonable time, not exceeding 15 minutes, for the customers of the publican to consume the liquor they had ordered. This was not a trifling matter, and he believed that if his Amendment were carried, small though it might seem at first sight, it would be found a great convenience, not only to the licensed victuallers, but to the police. He always tried in dealing with these questions to put himself in the position of those who would be affected by those regulations. Take the position of the customers who came in for refreshments before the closing hour, and who ordered something hot to drink. If it was served to them as the licensed victualler would be obliged to do, was the customer to be allowed no time to drink what he had ordered? If not, he might refuse to pay for it, and many quarrels might arise in consequence. When they considered that there were in England and Wales 70,000 public-houses, and that at the lowest estimate three customers might each night be placed in this position they would have 250,000 of persons subject to this inconvenience. Slight as the remedy might appear to be the Amendment he proposed would, he believed, be effectual in its operation.

Amendment proposed, in page 1, line 21, to leave out the word "half," and insert the words "a quarter of,"—(*Mr. Muntz*,)—instead thereof.

MR. ASSHETON CROSS said, he hoped the House would stand by the hour of 12.30 in London, as it had already been settled by a large majority when they were in Committee. The point raised by the hon. Gentleman was no novel suggestion. It came under his own notice when he first began to deal with the question. He asked the Chief Commissioner of Police in London his opinion of the suggestion, and at first he thought it was rather a good plan; but he afterwards consulted with his superintendents, who had practical experience of its working

in the case of the excepted houses, and then he entirely changed his opinion, stating that all his Inspectors were against that particular provision of the Bill. If the extra quarter of an hour were allowed it would be possible for one customer in a party, of say half a dozen who were drinking beer, to order at the end of the quarter of an hour something hot, and demand time to drink it. It would be a snare and a trap to the licensed victuallers; it would be an increased source of labour to the police; it would encourage evasions of the general rule, and he hoped the House would not agree to the Amendment.

COLONEL EGERTON LEIGH said, he had some experience in these matters, and he had never found in the country that people required very much time to dispose of their liquor. The rule seemed to be that the faster you drank the sooner you got drunk.

Question, "That the word 'half' stand part of the Bill," put, and *agreed to*.

MR. ASSHETON CROSS moved, in Clause 2, page 1, line 23, after "and" to insert "in the metropolitan district or." The object of this Amendment was simple. The fact was that there were districts in which the clause, as originally drawn, would have necessitated the closing of public-houses at 10 o'clock while others in their immediate proximity were open until 11 o'clock. The object of the Amendment was to place all such houses in the same position as to hours of closing.

Amendment *agreed to*.

MR. ASSHETON CROSS moved to amend the clause by substituting the words "populous place in the nature of a town" for the words "parish which contains 2,500 inhabitants or more" in that part of the clause which fixes the hours at which public-houses shall be opened and closed. The right hon. Gentleman said his proposal was intended to prevent the anomaly of adjoining parishes, in which the character of the houses and of the inhabitants might be precisely similar, having different hours of closing, simply because one parish being smaller in area than the other had less than 2,500 inhabitants. It would be for the authorities to take the area of the different localities and

to decide from the density of the population whether they were to be denominated "populous places."

Amendment proposed, in page 1, to leave out from the word "parish," in line 24, to the word "more," in line 25, both inclusive, and insert the words "in a populous place as defined by this Act,"—(*Mr. Secretary Cross*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. SHAW LEFEVRE was of opinion that under this provision it would be open to the justices to define any little village as a "populous place." He did not think this was the intention of the right hon. Gentleman, and suggested as governing either towns or populous places, that he should omit all reference to 2,500 inhabitants.

MR. ASSHETON CROSS explained that the magistrates would have to decide whether small masses of houses partook practically of the character of a town, and would have nothing to do with the number of inhabitants, whether 2,500 or otherwise.

MR. BRISTOWE said, the magistrates would have more to determine than they ever had before. They would have to determine what was a populous place and what was not. But if the justices determined that a place was not a populous place, it would have to remain under that definition for years. How were the justices to determine what was a populous place? He confessed he failed to see that this was a question for the discretion of the justices. It came round to this—that the Amendment, if adopted, would alter the hour of closing in a populous place. For his part, he saw the greatest difficulty in determining whether such places as the Amendment referred to were to be considered populous places or not.

VISCOUNT GALWAY said, he was interested in boroughs, and believing that the hour of closing in towns was acceptable as 11, and rural parishes at 10, he did not see that the justices could have any very onerous duties cast upon them in determining what were "populous places" and what were not. On one side of the river in the locality where he

resided the publican must close his house at 11, and on the other side of the river, not 100 yards across, there were two houses, and the publicans were obliged to close at 10 o'clock. There was a bridge over the river, and when the houses on the one side closed at 10, persons who wished to drink crossed the bridge and went to the house that kept open till 11, and not only farmers availed themselves of the chance but clergymen crossed the bridge and indulged in drink in the 11 o'clock house. He hoped the justices would exercise their discretion and define a place with two public-houses as coming under the same area.

SIR HENRY JAMES made a direct appeal to the good judgment of the right hon. Gentleman to consider the effect of the proposition he was now making, and to say whether it was worthy as a practical resolution to place upon the Statute Book. If it were not, he was sure the right hon. Gentleman would yield, for this was not a party question. What, technically and formally, was the proposition before the Committee? It was proposed to strike out the words "which contains 2,500 inhabitants or more," and insert the words "populous place," leaving the term "populous place" undefined. They almost all understood what a town was; and knowing what a town was, his right hon. Friend took the trouble to define a town, and he defined it as being a place of not less than 2,500 inhabitants. But as none of them knew what "a populous place" was, the right hon. Gentleman would not define that. Might he ask his right hon. Friend if he had yet found one statute in which that term was used where the number of inhabitants had not been defined? He thought he would have to admit that he could not. He had an Act before him—the 13 & 14 Vic., c. 33—the Scotch Police Regulations Act—in which a populous place was defined as a place having 3,000 inhabitants; in another Act he had been informed that it was defined as a place of 1,400 inhabitants; and in another where it was as low as 700 inhabitants. The right hon. Gentleman had told them, if they might judge of his thoughts by his words, that it was a place "in the nature of a town;" and he defined what was a town, but he would not define that which was in the

nature of a town. He had also told them that the Justices would have to determine the area, and to say whether it was a populous place or not. But what was an area? What was a place? A county might be an area, or a place within the discretion of the justices, who would be left to determine whether an area, say 20 miles long and 20 miles broad, was a place or not; and then they would have to decide whether a part of that area, which was not defined, was or was not a populous place. He (Sir Henry James) did not know whether he was in Order in referring to the Amendment proposed in relation to the words "populous place" as hereafter defined; but when they came to that he thought the right hon. Gentleman would find himself in a position which he would never be able to overcome. But taking it as it stood, a populous place as hereafter defined, they had a right to look at that definition, and they would find that any place which, in the opinion of the justices, had been called a populous place, would always be so considered, although the population might have largely diminished. Now, was this a vital principle of the Bill? His hon. and gallant Friend the Member for West Sussex (Colonel Barttelot), who had for the first time in relation to this measure aided the Government with something like animation, had said that the justices were to have no discretion; that they were refused discretion when they were limited to the express hours of opening and closing; but now, although the Government would not give the justices any discretion, with regard to the hours of opening or closing, they were going by this indirect means to give them the power of exercising, not an absolute discretion, according to the wishes of a particular neighbourhood, but an arbitrary power, enabling them to judge what was a populous place without telling them what should be the area, or what was the number of inhabitants they were to consider as coming within the meaning of that term. It had been laid down that 2,500 inhabitants constituted a town, but they were not told how many inhabitants made a populous place. Some magistrates might construe it as meaning 100 or 200 people, and diversities of opinion might occur in regard to places not more than half a mile apart. In some areas the justices

might allow all public-houses to be opened according to their will, whilst in others just the opposite might be decided upon. If the right hon. Gentleman regarded this as a vital principle, that vital principle should be sure and certain, and Parliament should bear the responsibility of it. They ought not to delegate this vital principle to those whose discretion in other respects had been taken from them. He therefore hoped his right hon. Friend would not persist in that which was without practical effect, and which would be casting upon the justices a responsibility which they ought not properly to bear.

Mr. J. G. TALBOT said, the Amendment before the House was one of the most important which could be proposed with regard to this Bill. Before hon. Gentlemen opposite condemned the course of the right hon. Gentleman the Home Secretary, they should consider the difficulty in which he was placed. This was an exceedingly difficult matter to define, and he had himself endeavoured to assist the Home Secretary in defining it, but he could not say that his attempts were satisfactory to himself. He had thought they might arrange this matter by defining one class as existing in urban and another in rural sanitary districts. But urban districts were small both in area and population, while certain rural districts were very large. One difficulty that had been pointed out was this—that there might be two contiguous parishes with inhabitants of precisely similar occupation and habits of life; but one parish might have 2,500 inhabitants and the other be under it. Now, the House would not wish that the hours in one case should differ from those in the other. What he understood the feeling to be was that the hours should be regulated according to the habits of life of the various populations. What he wanted to know was whether the House could suggest any better means; because if they could not they must, as sensible and practical men, take the only course open to them. The hon. and learned Gentleman (Sir Henry James) who had spoken with so much force had criticized powerfully the suggestion of Her Majesty's Government, but he did not suggest any other course. It was easy enough to criticize when they were in Opposition; but it was not so easy when they were in office to carry

Sir Henry James

out what would be clear and satisfactory. The hon. and learned Gentleman must give the Government credit for having tried to do their best, and although the solution might not be perfectly satisfactory, if there was no better to suggest, let them accept that. There was one good reason why they should adopt the suggestion of the Government, and that was that they were not laying down a hard-and-fast line of population, and saying that above it there should be one hour and below it another; but they were trying to lay down that the hour should be regulated according to the nature of the population for whom they were legislating, and he thought the term "populous place" would enable them to do that better than by any other means.

MR. WYKEHAM MARTIN said, he thought the omission of these words would be a great improvement to the Bill. The hon. Member for West Kent (Mr. J. G. Talbot) had just pointed out that there might be two contiguous parishes with populations exactly alike in occupation and habits, and yet that the hours in one of them might be different from the other. He took his right hon. Friend the Home Secretary the other night to parishes within his own experience in the county in which he had acted for many years as a magistrate, where the populations were of exactly similar character, but happened to be divided like the squares of a chess-board. There would be no sort of uniformity in the hours of closing in these different parishes, and there would be this curious result—that the railway hotel, which was a large place, would be closed an hour earlier than some of the public-houses in the same neighbourhood. There was one parish where the justices had unanimously decided upon closing the houses at 10, and under the provisions of this Bill they would be compelled to keep open to 11. Words which would have caused greater heart-burn and greater difficulty to the magistrates could not possibly be found than those which the right hon. Gentleman proposed to strike out of the Bill. He should be willing to support him in striking out those words, and when they came to deal later on with what was a populous place, he hoped they would consider it temperately, and he was sure that in that case Her Majesty's Govern-

ment would in all fairness give their views every consideration.

MR. W. E. FORSTER said, that having heard the various statements made with reference to the Amendment before the House, he formed the opinion that hon. Members on both sides of the House were inclined to come to the conclusion that, so far as the discretionary power of the magistrates was concerned, it would have been better to have left the Act of 1872, which had worked well, to go on so working. The difficulty in which they were put by the Amendment was one that would return year by year whenever the magistrates had to decide this question. The magistrates would have to decide what a "populous place" was. It was said to mean "any area which by reason of the number and density of its population the Licensing Justices may determine to be a populous place." That was only a great number of words to say that the justices were to determine a populous place to be that which they thought a populous place. Every place was a populous place. How in the world were they to determine that matter? All they would be able to do was to say that that was a populous place which they thought to be such. Should the words be inserted in the Bill, the question of what was a populous place would not be decided with respect to the particular needs and conditions of the locality, but would be settled in a vague, loose, and indeterminate manner.

SIR JOHN KARSLAKE maintained that the magistrates would be perfectly competent to determine what was a populous place—namely, any area which by reason of the number and density of its population the Licensing Justices might by order determine to be a populous place. He could not see any difficulty whatever in giving practical effect to that definition. The phrase "populous place" was, in his opinion, much better than the term "parish," and he believed it could be substituted with advantage. The House would not be throwing too much responsibility on the magistrates by making this Amendment.

SIR WILLIAM HARCOURT wished to know why it had not been discovered before that the word "parish" ought to be struck out of the clause. What was proposed to be done would not meet the difficulty. They might have two sets of justices, one determining that an ad-

joining parish was a populous place, and another that an adjoining parish, in precisely the same state of circumstances, was not a populous place, thereby establishing different hours of closing. The right hon. Gentleman said that "populous places" was the entire of a town; but they thought it necessary in the Bill to define what a town was. The hon. and learned Gentleman who spoke last said "a town was what a half-dozen people may think it to be." If that definition were correct they should insert in the definition clause the words "or what a Bench of magistrates may consider it to be." Their definition was a town of not less than 2,500 inhabitants. The hon. Member for West Kent (Mr. J. G. Talbot) made an appeal to the House, and asked what they were to do. Well, his answer was, let the Question alone. Why meddle with the country districts at all? Why force on them a Bill which they did not want? It might be necessary in the metropolis or large towns; but in the country districts it was neither wished for nor wanted.

COLONEL BARTTELOT admitted that there was a difficulty in dealing with the question, and the only way to get out of it was to accept the Amendment of his right hon. Friend. In the country districts public-houses closed at 11 o'clock, and beer-houses at 10. Under this Act, both would be closed at 10 o'clock, unless in a town containing 2,500 inhabitants. In the southern counties there were many towns from 700 to 1,500 where these houses should be kept open until 11 o'clock, and where it would be unreasonable to shut them at 10. That was the reason the word "parish" was omitted from the Bill, and "populous places" substituted; for many parishes, perfectly rural, had more than 2,500 inhabitants, and yet had no "populous place." He ventured, therefore, to hope that his right hon. Friend would stand by his Amendment.

MR. MELLY said, I entirely agree with my hon. and gallant Friend (Colonel Barttelot) that there are small towns on the southern coast where the houses ought to close at 11 o'clock and others at 10. The truth is, you are about to give the magistrates in the country a discretion to fix the hours for opening and closing as they shall think fit. This word of "populous places" is a veil for giving a new and enlarged dis-

cretion. What a political Nemesis! How quaintly history repeats itself! In the House of Lords, on this very point, Lord Salisbury suggested the leaving this identical discretion to the rural justices. On a hot Saturday in July, 1872, when we were in the very difficulty we are in to-night, the Under Home Secretary (Sir Henry Selwin-Ibbetson) proposed the celebrated discretionary clause. To-night, after all your pledges, you re-affirm it. You say to 600 licensing benches in the country, having 43,000 spirit, and 25,000 beer-houses under their control "fix which place is a populous, and which a non-populous place, in the first 11 P.M. is the statutory hour for all houses, in the other 10 P.M." Never did Lord Aberdare give them such power; he enabled the rural justices to close public-houses at 10 or 11 P.M.; this enabled them to open 25,000 beer-houses from 10 to 11 P.M., an hour at which they have never been opened. There may be no other course now open to the House; but how completely does this proposal exonerate the authors of the Act of 1872 from blame? Why disturb this discretion? It has been shown how discreetly it has been exercised. All consistency has disappeared. The House has to-night refused by a majority of 34 to allow the town justices to decide between 5 and 7 A.M., for the opening hours; but now the Home Secretary, under the transparent pretence of "populous place," gives 600 county benches power to close 68,000 houses at 10 or 11 P.M., as seems best suited to the wants of the inhabitants. This Amendment justifies the Ministry of 1872. They found themselves in the difficulty you are in to-night, they solved it by giving all the justices the discretionary power. You meet the same difficulty, and as regards the county justices you propose the same solution.

MR. PERCY WYNDHAM said, that in the northern districts, where there were long lines of miners' cottages stretching for great distances between towns, it would be very difficult for the justices to determine what were "populous places," and, indeed, the difficulty would be greater than that which they had under the old system.

SIR HENRY SELWIN-IBBETSON said, he hoped that the House had discussed this question long enough, and that they would now go to a division.

There seemed to be no faith in the discretion of the magistrates; but he believed that they would exercise their discretion quite as well as the Sheriffs in Scotland, against whom they heard no complaint of what they did in this matter. The word "parish" did not meet the wants of the country, but "populous places" would do so. He hoped the House would adopt the Amendment.

SIR HARCOURT JOHNSTONE moved the adjournment of the debate. In his opinion, nothing would be more unsatisfactory nor more unfair to the magistrates than that they should be left in their present indefinite position. It would be a great hardship to them. If the Government were anxious to establish a line, let them take the ratio of pauperism to population. He never could understand how it was that London, in which that ratio was largest, should be the most favoured as regarded hours, and that the favour should decrease, as if by a scale, to small country places where the ratio was smallest. The Petitions sent up to the House on the subject of the Bill ought to convince the Government that the people did not want the extension of hours, and it was plain that the ratepayers were not interested in asking for it. He begged to move the adjournment of the debate, with the view of having this matter fully and deliberately considered.

Motion made, and Question put, "That the Debate be now adjourned."—(*Sir Harcourt Johnstone.*)

The House divided:—Ayes 129; Noes 276: Majority 147.

Question again proposed, "That the words proposed to be left out stand part of the Bill."

MR. DODSON said, that the Amendments of the Home Secretary, taken in conjunction with the definition clause, amounted merely to restoring magisterial discretion as to hours, with a very clumsy machinery. With regard to the definition of a populous place, he would suggest that the word "parish" should be omitted, and that after the word "town" should be inserted "or place as hereinafter defined," and that the definition of town and place should be considered before the definition clause was reached on a future evening, for it was obvious that it could not be reached that night.

MR. GREGORY said, the Amendment gave a wide discretion to the magistrates, and he trusted Her Majesty's Government would allow time for the careful consideration of it.

MAJOR R. H. PAGET said, strong grounds had been shown why the Amendment should receive the favour of the House. It would undoubtedly be necessary to define "populous places." Populous places now meant an aggregation of continuous houses containing not less than 1,500 inhabitants, and it should be left to the magistrates to determine that matter.

MR. GATHORNE HARDY said, the House appeared to be agreed as to the omission of the word "parish," and he would suggest that that word should at once be struck out, and that the words proposed by his right hon. Friend might be then proceeded with.

MR. DILLWYN said, he thought they were introducing a new element to allow the magistrates to decide as to the extent of the area. This was a new principle, and one which ought to be discussed before they proceeded further with the Bill. It was his desire that they should have on this question not merely the opinion of the House, but also the opinion of the country, and therefore he should now move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Dillwyn.*)

MR. W. E. FORSTER said, he hoped the hon. Gentleman the Member for Swansea would not press his Motion. It did not lie with Members sitting on the Opposition Benches to object to the Government proposing to omit any word out of their own Bill, but it was quite a different thing when they proposed to substitute another word or phrase for that which they omitted. The right hon. Gentleman the Secretary of State for War had told them that the House had had time to consider this Amendment; but he could hardly think that was the case, for unless he took a very lively interest in the measure, it would be impossible he could know what would be the effect of the proposed change. Indeed, listening to the discussion which had taken place, he should say that even those who supported the Government found it difficult to ascertain what was

the meaning of the phrase "populous places." He thought with the right hon. Gentleman the Member for Chester (Mr. Dodson) that they should not be asked to commit themselves to this definition at that period of the evening, and that in consenting to the withdrawal of the word "parish" they should have time to consider what ought to be substituted for it.

SIR CHARLES W. DILKE asked what course the Government intended to take if the House yielded upon this point or agreed to leave out this word "parish"?

MR. ASSHETON CROSS said, he thought the House had got into a very unnecessary difficulty. The proposal was to leave out the word "parish," in which they were agreed; and then the Government proposed to insert "in a populous place as defined by this Act." When they came to the definition clause they would have to define what a populous place was.

MR. KNATCHBULL - HUGESSEN saw in their present dilemma a prospect that the House would come back to the reconsideration of the question of hours.

Question put.

The House divided:—Ayes 116; Noes 248: Majority 132.

Question again proposed, "That the words proposed to be left out stand part of the Bill."

MR. GOLDSMID moved that the debate be now adjourned. There was such a difference of opinion upon the Amendment that at that late hour, when it was impossible to discuss the question fully, it was only fair that further opportunity should be given for hon. Members to consider what course ought to be pursued. Moreover, the hour fixed by the Bill for closing in London had arrived.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Mr. Goldsmid.)

MR. GATHORNE HARDY said, that of course hon. Gentlemen opposite must be taken to mean that they did not oppose the further progress of the measure for any party purposes; but he did think that after the very decisive result of the division which had just taken

place they ought, at all events, to be allowed to proceed further. What he proposed on the part of his right hon. Friend (Mr. Cross) was that they should agree to the omission of the word "parishes," and leave the question of "populous places" for future discussion. The matter would not in this way be prejudged and the question still be left open.

MR. GOLDSMID said that the proposition of the right hon. Gentleman was a fair one, and he was prepared to agree to it.

Motion, by leave, *withdrawn*.

Question, "That the words proposed to be left out stand part of the Bill," put, and *negatived*.

Question proposed, "That the words 'in a populous place, as defined by this Act,' be there inserted."

SIR WILLIAM HARCOURT objected to proceeding further until they knew exactly how they stood with respect to the definition. He had taken counsel with several Members on the subject, and they all agreed that it was absolutely necessary it should be defined what were "populous places" as distinguished from parishes. As to the lateness of the hour he saw many hon. Members opposite who in the last Parliament had sat until 3 and 4 o'clock in the morning to oppose the ballot, and he did not therefore think that any imputation of party feeling should come from that side of the House. If the House agreed to the proposal to leave out the word "parish," it would, in fact, commit them to the other portion of the Amendment.

VISCOUNT GALWAY said, he was surprised at the course proposed by the hon. Gentleman the Member for Rochester (Mr. Goldsmid). With regard to the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt), who was known as "Historicus," it was very evident that he would have an article in *The Times* on the question to-morrow morning.

MR. W. E. FORSTER said, he thought the right hon. Gentleman's proposal a very fair one. The right hon. Gentleman said the word "parish" was very objectionable, and in that case he (Mr. Forster) thought they had better assent to its being struck out; but it was quite another thing when they heard it proposed

Mr. W. E. Forster

to strike out the words "two thousand five hundred inhabitants."

MR. ASSHETON CROSS explained that by leaving the word "parish" out there was no objection to defer the consideration of the words "two thousand five hundred inhabitants."

MR. SHAW LEFEVRE considered that there should be an understanding about the matter.

An Hon. MEMBER said the difference was this—that hon. Members on the Opposition benches wished to insert the words "other places," and Members on the Ministerial side of the House, thought it desirable to insert "populous places."

MR. SCLATER-BOOTH hoped hon. Gentlemen opposite would consent to the Amendment.

MR. MORGAN LLOYD said, in the Bill as amended the words "two thousand five hundred inhabitants" were inserted in the Interpretation Clause. As he understood the right hon. Gentleman the Home Secretary, it was that he was prepared to treat "populous places" as places containing a certain number of inhabitants.

MR. ASSHETON CROSS: Perhaps the hon. Gentleman was not in the House when I submitted the Amendment. I stated that 2,500 inhabitants would apply to the Interpretation Clause throughout the towns.

MR. GOLDSMID moved the adjournment of the debate.

Motion agreed to.

Debate adjourned till Thursday.

BUILDING SOCIETIES BILL—

[BILLS 55, 110, 132.]

(*Mr. Torrens, Mr. Walpole, Mr. Gourley, Mr. Goldney, Mr. Dodds, Sir Charles Russell.*)

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."—(*Mr. W. M. Torrens.*)

MR. ANDERSON said, it was an unusual course to go into Committee on a Bill on the very day that the reprint was distributed to hon. Members. It was impossible that people in the country could have seen it. The Scotch societies were to hold a meeting yesterday, and

he was waiting information as to the result at which they had arrived. They seemed to have some Amendments to suggest, and he therefore proposed that the Bill should be postponed till Friday.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Friday next."—(*Mr. Anderson.*)

MR. W. M. TORRENS objected to the postponement. The Bill had gone through the ordeal of a Select Committee, and the Scotch societies must be well informed of its provisions.

MR. DODSON said, the Government had inserted a provision respecting stamp duty on mortgages to building societies, which he objected to. If that provision were withdrawn, he would not object to the Bill being at once proceeded with.

THE CHANCELLOR OF THE EXCHEQUER remarked that the Bill would be most valuable to building societies, and he must oppose the Motion.

MR. ANDERSON said, he had no hostile Amendment to propose, nor did he wish to obstruct the progress of the Bill. All he desired was a few days' delay, in order to enable him to communicate with persons in Scotland interested in the measure, and he thought there was nothing unreasonable in his request. He would press it to a division.

Question put, "That the word 'now' stand part of the Question."

The House divided:—

The Tellers being come to the Table, Mr. Rowland Winn, one of the Tellers for the Noes, stated that Mr. Dodds, Member for Stockton, had not voted, though he had been in the House when the Question was put:—Whereupon Mr. Speaker directed the honourable Member for Stockton to come to the Table, and asked him if he had heard the Question put; and the honourable Member having stated that he had heard the Question put (but had been accidentally locked out of the Left Lobby), and the honourable Member having declared himself with the Noes, Mr. Speaker directed his name to be added to the Noes.

The Tellers accordingly declared the numbers Ayes 97; Noes 22: Majority 75.

Bill considered.

Clause 41 (Exemption from stamp duty).

MR. DODDS proposed an Amendment, the effect of which was to continue in favour of building societies the exemption which had existed from the first formation of those societies with regard to stamp duty on mortgages, whatever the amount might be. The Government sought to do away with this exemption without consulting with these societies, who had nothing to thank the Government for in bringing forward this Bill.

Amendment proposed, in page 13, line 12, after the word "member," to insert the words "nor any mortgage or assurance, nor any discharge or reconveyance of any security."—(*Mr. Dodds.*)

THE CHANCELLOR OF THE EXCHEQUER said, it was natural that the building societies and their friends should desire to get as many exemptions as possible, but these exemptions were of an exceptional and, generally speaking, objectionable character; and, *prima facie*, it was necessary to make out some strong ground for exemptions from duties which fell on the rest of the community. The exemptions in question were originally given to encourage these societies, which now, however, had assumed a different position, and did not require the staff on which they leant formerly. Under this Bill, which placed them in a far more advantageous position than they had

ever previously occupied, the general argument against exemptions applied still more strongly. He could not therefore assent to the Amendment of the hon. Gentleman.

MR. WADDY, on the part of one society, said, the stamp duty was an insignificant matter, and the Bill being a valuable one, might well be passed as it was without any alteration.

Question put, "That those words be there inserted."

The House divided:—Ayes 14; Noes 86; Majority 72.

Bill to be read the third time upon Friday.

CIVIL BILL COURTS (IRELAND) BILL.

On Motion of Sir COLMAN O'LOGHLEN, Bill to enlarge the jurisdiction of the Civil Bill Courts in Ireland in respect to the recovery of balances due on partnership accounts, and in respect of actions involving questions of title to corporeal and incorporeal hereditaments, ordered to be brought in by Sir COLMAN O'LOGHLEN and Mr. DOWNING.

Bill presented, and read the first time. [Bill 152.]

JURIES (IRELAND) BILL.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Bill to further amend the Law relating to Juries in Ireland, ordered to be brought in by Mr. ATTORNEY GENERAL for IRELAND and Sir MICHAEL HICKS-BEACH.

Bill presented, and read the first time. [Bill 153.]

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When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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ARGYLL, Duke of
*Church Patronage (Scotland), 2R. 815; *Comm.
cl. 3, 1239, 1257; Amendt. 1258, 1259

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Accountants, Department of, Question, Mr.
Hayter; Answer, Mr. Gathorne Hardy
June 16, 1677

Army Purchase Commissioners—Indian Ord-
nance Corps, Question, Mr. Bates; Answer,
Mr. Gathorne Hardy June 5, 1055

Artillery

Bozer-Shrapnel Shell, Question, Observations,
The Earl of Longford; Reply, The Earl of
Pembroke; short debate thereon June 12,
1492

Cunningham Training Gear for large Guns,
Question, Mr. Naghten; Answer, Lord
Eustace Cecil June 11, 1402

Carlou—Quartering of Troops, Question, Mr.
Owen Lewis; Answer, Mr. Gathorne Hardy
June 8, 1163

India—Army Service in—The 81st Regiment,
Question, Mr. J. G. Talbot; Answer, Mr.
Gathorne Hardy June 15, 1583

Martini-Henry Rifles, Questions, Colonel Bart-
telot; Answer, Lord Eustace Cecil May 14,
269; May 21, 617

Ordnance, The Surveyor General of the, Que-
stion, Sir Henry Havelock; Answer, Mr.
Gathorne Hardy June 5, 1059

Political Meetings, Regimental Bands at,
Question, Mr. Hayter; Answer, Mr. Gathorne
Hardy June 5, 1060

Royal Military Academy, Question, Mr. Hey-
gate; Answer, Mr. Gathorne Hardy June 15,
1584

Soldiers' Wives, Question, Mr. Verner; An-
swer, Mr. Gathorne Hardy June 8, 1157

The Royal Warrant, 1871—Superannuated
Officers, Question, Sir Charles Russell;
Answer, Mr. Gathorne Hardy May 14, 268

The 22nd (Cheshire) Regiment, Question, Sir
Edward Watkin; Answer, Mr. Gathorne
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ARMY—cont.**Auxiliary Forces**

Lord Aylesford and the Warwickshire Yeomanry Cavalry, Question, Mr. Dillwyn ; Answer, Mr. Gathorne Hardy June 4, 962

Militia Barracks at Worcester, Question, Mr. Clive ; Answer, Mr. Gathorne Hardy June 5, 1062

Militia Storehouses, Question, Mr. Paget ; Answer, Mr. Gathorne Hardy May 11, 67

The Hampshire Militia, Question, Mr. Bench ; Answer, Mr. Gathorne Hardy June 5, 1055

The Militia and the Line, Question, Mr. O'Reilly ; Answer, Mr. Gathorne Hardy June 4, 964

Volunteers—Capitation Grants, Question, Mr. Hayter ; Answer, Mr. Gathorne Hardy June 8, 1154

War Office Circular—The Volunteer Force, Question, Mr. Benett-Stanford ; Answer, Mr. Gathorne Hardy May 14, 267

Army and Militia

Moved an Address for, Return of orders issued in 1874 having respect to the regulations for recruiting the Army : also, Return of any instructions or orders which may have been issued in the year 1873 for calling out the Army Reserve : also, Return of the numbers who answered to such call of such orders or instructions when issued : also, Return showing the number of absentees in the several Militia Regiments in Great Britain and Ireland at the training of 1873 ; the state of each regiment in this respect to be separately stated (*The Lord Sandhurst*) June 1, 728 ; after debate, Motion agreed to

Army—Lord Sandhurst

Mr. Anderson's Notice of Motion, Question, Colonel Barttelot ; Answer, Mr. Anderson May 11, 74 ; Observations, Mr. Disraeli May 18, 396

Orders of the Day postponed (*Mr. Disraeli*) May 21

Moved, "That, in the opinion of this House, Lord Sandhurst, the Commander-in-Chief of the Forces in Ireland, having been absent from duty for seventeen months out of thirty-four, his making repeated erroneous Returns to the War Office as to his absences from duty, misleading the Accountant General, and thereby receiving Public Money to which he was not entitled, involves such dereliction of duty as calls for some stronger mark of censure than the mere return of the money wrongly received" (*Mr. Anderson*) May 21, 623 ; after long debate, Question put, and negatived

Army—Military Centres—Oxford

Amendt. on Committee of Supply May 22, To leave out from "That," and add "a Select Committee be appointed to inquire into the expediency of the selection of Oxford as a Military Centre" (*Mr. Beresford Hope*) v., 702 ; Question proposed, "That the words, &c.," after debate, Question put, A. 170, N. 71 ; M. 99

Army—Military Officers, Removal of

Amendt. on Committee of Supply June 1, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that before Her Royal sanction in time of peace is asked for the permanent removal from active service of any Officer under the rank of Major General, who shall have held a Commission in the Army for three years, Her Majesty may be graciously pleased to direct that an option may be given him of having his case heard and adjudicated upon by Court Martial" (*Mr. Torrens*) v., 756 ; Question proposed, "That the words, &c.," after debate, Question put ; A. 91, N. 31 ; M. 60

Ashantee Expedition

Captain Niven, Question, Mr. W. Johnston ; Answer, Mr. Gathorne Hardy May 11, 72

Gold Coast, Affairs of the, Observations, The Earl of Carnarvon ; short debate thereon May 12, 152

Policy of the Government, Question, Sir Wilfrid Lawson ; Answer, Mr. J. Lowther May 14, 272 ; Question, Sir Wilfrid Lawson ; Answer, Mr. Disraeli ; short debate thereon May 15, 312 ; Question, Mr. Knatchbull-Hugessen ; Answer, Mr. J. Lowther May 18, 392 ; Question, Mr. Hanbury ; Answer, Mr. J. Lowther June 8, 1158

The Supplementary Estimates, Question, Mr. John Holms ; Answer, Mr. J. Lowther May 21, 618

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ASHLEY, Hon. A. Evelyn, Poole

Factories (Health of Women, &c.), 2R. 1436

ASSHETON, Mr. R., Clitheroe

Factories (Health of Women, &c.), 2R. 1457
Intoxicating Liquors, 2R. 110 ; Comm. 1001 ; cl. 2, 1016 ; cl. 8, 1110

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Judicature Act, 1158, 1403

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Leases and Sales of Settled Estates, 2R. 543

BAGGALLAY, Sir R. (see SOLICITOR GENERAL, The)**BAILEY, Sir J. R., Herefordshire**

Supply—Post Office Services, 1658

BALFOUR, General Sir G., Kincardineshire

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Great Southern of India and Carnatic Railway Companies (No. 2), 3R. 1497

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Municipal Elections (Auditors and Assessors), 2R. 596

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BALL, Right Hon. J. T. (Attorney General for Ireland), *Dublin University*

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Sligo, Leitrim, and Northern Counties Railway, Motion for Re-comm. 306

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Bar Admission Stamp Bill

(*The Lord Advocate, Mr. Secretary Cross*)

c. Ordered; read 1^o *May* 14 [Bill 109]

Read 2^o *May* 21, 669

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Read 3^o *June* 11

l. Read 1^o (*The Lord Steward*) *June* 12
(No. 105)

BARCLAY, Mr. J. W., *Forfarshire*

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BARTELOT, Colonel W. B., *Sussex, W.*

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BASS, Mr. M. T., *Derby Bo.*

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BASSETT, Mr. F., *Bedfordshire*

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Batavia, H.M. Consul at—The Ship "Montrose"

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BATES, Mr. E., *Plymouth*

Army Purchase Commissioners—Indian Ordnance Corps, 1055

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Post Office—Royal Mail Steam Packet Company's Contract, 1058, 1059

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950; *cl.* 7, 959; Re-comm. *cl.* 8, 1122,

1123; Amendt. 1124; Amendt. 1135;

Amendt. 1126, 1142, 1143; *cl.* 17, Amendt.

1265; *cl.* 18, *ib.*; *cl.* 20, 1267; *cl.* 25,

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BAXTER, Right Hon. W. E., *Montrose, &c.*

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BEACH, Right Hon. Sir M. E. HICKS—(Chief Secretary for Ireland), *Gloucestershire, E.*

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BACH, Right Hon. Sir M. E. Hicks—cont.

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Endowed Schools—Gelligaer School, Queen's Answer to Address, 305

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Betting Bill

(*Mr. Anderson, Sir William Stirling-Maxwell, Mr. Stevenson, Mr. M'Lagan*)

l. Committee * May 12 (No. 47)

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Read 3^d * May 18

c. Lords Amendts. considered and agreed to May 21, 680

l. Royal Assent June 8 [37 *Vict.* c. 15]

BIRLEY, Mr. H., Manchester

Education Department—Education Code, 1633

Intoxicating Liquors, Comm. *cl.* 2, 1101

Supply—Public Education, 1644

Bishop of Calcutta (Leave of Absence)

Bill [H.L.] (*The Marquess of Salisbury*)

l. Committee *; Report May 1

Read 3^d * May 4

c. Read 1^o * (*Lord George Hamilton*) May 5

Read 2^o * May 11

[Bill 93]

Committee *; Report May 18

Read 3^o * May 21

l. Royal Assent June 8 [37 *Vict.* c. 13]

BLANTYRE, Lord

Church Patronage (Scotland), 1R. 388

Board of Trade Arbitrations, Inquiries, &c. Bill

(*Sir Charles Adderley, Mr. Cavendish Bentinck*)

c. Read 2^o * May 11

[Bill 86]

Committee; Report May 18, 453

Considered * June 8

Read 3^o * June 11

l. Read 1^o * (*Lord Dunmore*) June 13 (No. 103)

Board of Trade—Railway Inspectors—Captain Tylor

Question, Observations, Mr. Goldsmid; Reply, Sir Charles Adderley; short debate thereon May 15, 329

BOORD, Mr. T. W., Greenwich

Intoxicating Liquors, Comm. *cl.* 2, 1006

Boroughs (Auditors and Assessors)

Select Committee appointed, "to consider and report on the appointment and duties of Assessors and Auditors in Boroughs" (*Mr. Pell*) June 2, 918; List of the Committee, 919

Moved, "That Lord Augustus Hervey be a Member of the Select Committee on Boroughs (Auditors and Assessors)" June 8; debate adjourned

Adjourned debate resumed June 12, 1566; Question put, and agreed to; List of the Committee

Boundaries of Archdeaconries and Rural Deaneries Bill [H.L.]

(*The Lord Bishop of Exeter*)

l. Read 2^d * April 30

(No. 28)

Committee * May 12

Report * May 15

Read 3^d * May 19

c. Read 1^o * June 8 [Bill 143]

BOURKE, Hon. R. (Under Secretary of State for Foreign Affairs), Lynn Regis

"Alabama," The—Compensation for British Property, Res. 863

Batavia—H.M. Consul at—The Ship "Montrose," 480

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 Land Titles and Transfer, 3R. 727
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 Public Worship Regulation, Comm. 929, 930, 931, 957; Re-comm. *cl.* 8, 1125; Amendt. *ib.* 1126; Amendt. 1129, 1134, 1136; *cl.* 9, 1144, 1145, 1146, 1148
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CHANCELLOR of the EXCHEQUER (Right Hon. Sir S. H. NORTHCOTE), Devon, N.

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CHARLEY, Mr. W. T., Salford

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 Intoxicating Liquors, Comm. *cl.* 5, Amendt. 1107

CHICHESTER, Earl of

Public Worship Regulation, Comm. *cl.* 7, 959

CHILDERS, Right Hon. H. C. E., Pontefract

Board of Trade Arbitrations, Inquiries, &c. Comm. *add. cl.* 455
 Intoxicating Liquors, Comm. 1002; *cl.* 2, 1003, 1005; *cl.* 6, 1108; *cl.* 12, 1169, 1170
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Chili—Arrest of a British Subject

Question, Mr. Muntz; Answer, Mr. Bourke May 15, 311

Churches and Chapels Exemption (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

c. Ordered; read 1^o May 14 [Bill 108]
 Read 2^o May 21, 669
 Committee*; Report June 8
 Considered* June 11
 Read 3^o* June 15
 l. Read 1^o* (*The Lord Steward*) June 16 (No. 114)

CHURCHILL, Lord R., Woodstock

Army—Military Centres—Oxford, Motion for a Committee, 713

Church Patronage (Scotland) Bill

(*The Duke of Richmond*)

l. Presented; read 1^o, after debate May 18, 368
 Moved, "That the Bill be now read 2^o" June 2, 809
 Amendt. to leave out ("now,") and insert ("this day six months") (*The Earl of Selkirk*); after long debate, on Question, That ("now,") &c.; resolved in the affirmative; Bill read 2^o (No. 72)
 Committee; after short debate June 9, 1226 (No. 95)
 Report June 15, 1568 (No. 113)
 Read 3^o* June 16

Civil Bill Courts (Ireland) Bill

(*Sir Colman O'Loughlin, Mr. Downing*)

c. Ordered; read 1^o* June 16 [Bill 152]

Civil Service Commission, The

Question, Mr. Alexander Brown; Answer, The Chancellor of the Exchequer May 11, 70

Civil Service Superannuation—The Ordinance Survey

Question, Mr. Onslow; Answer, Lord Henry Lennox June 9, 1269

CLIFFORD, Mr. C. C., Newport, I.W.

Supply—Post Office Services, 1658

CLIVE, Mr. G., Hereford

Army—Militia Barracks at Worcester, 1062

COGAN, Right Hon. W. H. F., Kildare Co.

Parliament—Public Business, 702
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COLCHESTER, Lord

Public Instruction, Minister of, Res. 695
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way, Motion for Re-comm. 307

COLEBROOKE, Sir T. E., Lanarkshire, N.
Spirituos Liquors (Scotland), 2R. 558
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COLERIDGE, Lord

Supreme Court of Judicature Act (1873)
Amendment, Comm. 1385; cl. 10, 1673

COLLINS, Mr. E., Kinsale

Supply—Report—10th Resolution, 452

Colonial Acts

Observations, Mr. E. Jenkins; Reply, Mr. J.
Lowther June 12, 1560

**Colonial Attorneys Relief Act Amend-
ment Bill** (*Mr. Goldney, Mr. Dodds*)
c. Ordered; read 1^o June 10 [Bill 145]

Colonial Clergy Bill [H.L.]

(*The Lord Blackford*)

- l. Committee*; Report May 12 (No. 43)
Read 3^o May 15
- c. Read 1^o (*Mr. J. G. Talbot*) May 22 [Bill 125]
Read 2^o June 8
Select Committee nominated; List of the
Committee June 15, 1666

**Conjugal Rights (Scotland) Act Amend-
ment Bill** (*Mr. Anderson, Sir Edward Cole-
brooke, Mr. Orr Ewing, Mr. James Cowan,
Mr. Leith, Mr. Yeaman*)

- c. Committee*; Report June 12 [Bills 45-147]

CONOLLY, Mr. T., Donegal Co.

Ireland—National Education Commissioners—
Callan Schools, Res. 905, 907
Ireland—Railways—Local Guarantees, Res.
319
Parliament—Galway Writ, 1082
Public Meetings (Ireland), 2R. 589

Consolidated Fund (£13,000,000) Bill
(*The Lord President*)

- l. Committee*; Report May 12
Read 3^o May 15
Royal Assent May 21 [37 Vict. c. 10]

Consular Chaplains

Select Committee appointed, "to inquire into
the circumstances attending the withdrawal
of the allowances granted to Consular Chap-
lains under the provisions of the Act 6 Geo. 4,
c. 87" (*Sir Henry Wolff*) June 11; List of
the Committee, 1471

**Consular Service — Mr. Vines, British
Consul at Islay, Peru**
Question, Mr. Gregory; Answer, Mr. Bourke
June 2, 850

Contagious Diseases (Animals) Act

Pleuro-Pneumonia, Question, Mr. Bentinck;
Answer, Viscount Sandon May 21, 613
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Henry Thynne; Answer, Viscount Sandon
June 2, 851; Question, Mr. J. W. Barclay;
Answer, Viscount Sandon June 15, 1585

**Conveyancing and Land Transfer (Scot-
land) Bill** (*The Lord Advocate, Mr.
Secretary Cross, Mr. Cameron*)

- c. Committee; Report May 14, 303 [Bills 60-105]

Convict Prisons, Officers of

Question, Sir Henry Peek; Answer, Mr.
Assheton Cross May 21, 616

COOPE, Mr. O. E., Middlessex

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COTTESLOE, Lord

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**COTTON, Mr. Alderman W. J. R., Lon-
don**

Intoxicating Liquors, Consid. cl. 26, 1717

County Courts Bill [H.L.]

(*The Lord Chancellor*)

- l. Presented; read 1^o June 16 (No. 117)

County of Hertford and Liberty of Saint

Alban Bill (*Mr. Cowper, Mr. Halsey,
Mr. Abel Smith*)

- c. Read 2^o June 12 [Bill 77]
Select Committee June 15

Court of Judicature (Ireland) Bill [H.L.]

(*The Lord Chancellor*)

- l. Bill read 2^a, after short debate May 19, 456
(No. 57)
Committee; Report June 11, 1399 (No. 98)

COURTOWN, Earl of

Irish Church Temporalities Commission—
Church Funds, 611
Irish Peerage—Address to Her Majesty, 1484

Courts (Colonial) Jurisdiction Bill [H.L.]
(*The Earl of Carnarvon*)

- l. Read 2^o May 5 (No. 48)
Committee*; Report May 7
Read 3^o May 8
- c. Read 1^o (*Mr. J. Lowther*) May 15 [Bill 111]
Read 2^o May 21
Committee*; Report June 8
Considered* June 11
Read 3^o June 12

Courts (Straits Settlements) Bill*(The Earl of Carnarvon)**l. Presented; read 1st May 11 (No. 60)**Read 2nd May 19**Committee*; Report May 21**Read 3rd May 22**c. Read 1st (Mr. J. Lowther) June 1 [Bill 126]***Criminal Law—Convict Service Officers***Question, Mr. Watney; Answer, Mr. Assheton
Cross May 21, 615***Criminal Law—Assaults on Women***Amendt. on Committee of Supply May 18, To
leave out from "That," and add "an in-
creased punishment should be employed in
aggravated cases of attacks upon women by
men" (Colonel Egerton Leigh) v., 396;
Question proposed, "That the words, &c.;"
after short debate, Amendt. withdrawn***Criminal Lunatics—Broadmoor and County
Asylums***Question, Mr. Paget; Answer, Mr. Assheton
Cross May 11, 67***CROSS, Right Hon. R. A. (Secretary
of State for the Home Depart-
ment), Lancashire, S.W.***Constabulary (Scotland), 1160**Convict Prisons, Officers of, 616**Criminal Law—Convict Service, 615**Criminal Lunatics—Broadmoor and County
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1467**Imprisonment for Debt—Daniel Norley, Case
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996, 1000, 1002; cl. 2, 1003, 1014; Amendt.
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ib.; cl. 28, *ib.*; Amendt. 1184, 1186, 1187;
add. cl. 1193, 1194, 1196, 1198, 1199, 1200,
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2R. 595**Municipal Corporations Borough Funds Act
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584**Supply—Broadmoor Criminal Lunatic Asylum,
357**Working Men's Dwellings, 2R. 264***Cruelty to Animals Law Amendment Bill***(Mr. Muntz, Sir Thomas Bazley, Mr. Sampson
Lloyd)**c. Bill withdrawn* May 13 [Bill 70]***Cruelty to Animals Law Amendment***(No. 2) Bill (Mr. Muntz, Sir Thomas**Bazley, Mr. Sampson Lloyd)**c. Ordered; read 1st May 13 [Bill 104]***Customs and Inland Revenue Bill***(Mr. Raikes, Mr. Chancellor of the Exchequer,
Mr. William Henry Smith)**c. Ordered* April 27**Read 1st May 4*

[Bill 88]

*Read 2nd May 14**Committee*; Report May 18**Moved, "That the Bill be now read 3rd"
May 21, 653**Amendt. to leave out from "Bill be," and
add "re-committed" (Mr. Roebuck); Ques-
tion, "That the words, &c.;" after short
debate, Amendt. withdrawn; main Question
put, and agreed to; Bill read 3rd**l. Read 1st (Lord President) May 22 (No. 78)**Read 2nd June 1**Committee*; Report June 4**Read 3rd June 5**Royal Assent June 8 [37 Vict. c. 15]***Customs—Memorial of Out-Door Officers***Question, Mr. Bates; Answer, Mr. W. H.
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389; 2R. 835; Comm. cl. 3, 1257***DALRYMPLE, Mr. C., Buteshire***Spirituos Liquors (Scotland), 2R. 559***DALWAY, Mr. M. R., Carrickfergus***Poor Relief (Ireland), 2R. 537***DAVENPORT, Mr. W. BROMLEY-, Warwick-
shire, N.***Supply—Post Office Services, 1658***DAVIES, Mr. D., Cardigan***Board of Trade—Railway Inspectors—Captain
Tyler, 333**Elementary Education Act (1870) Amendment,
2R. 1328**Factories (Health of Women, &c.), 2R. 1470**Intoxicating Liquors, Comm. cl. 2, 1071*

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Railway Commission, 1119
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DENISON, Mr. C. BECKETT-, Yorkshire, W. R., E. Div.

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DILLWYN, Mr. L. L., Swansea

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Magistrates (Ireland) and Commissioners of Dublin Police (Allowances), Comm. 727
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DODSON, Right Hon. J. G., Chester

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Juries, Comm. *cl.* 5, 287; *cl.* 50, 300
Parliament—Business of the House, Res. 1415
Parliament—Salaries and Emoluments of the Officers of the Two Houses of, Motion for a Committee, 188
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DOWNING, Mr. M'Carthy, Cork Co.

Ireland—Civil Actions—Actions for Libel, 391
Poor Law Unions—Clerks of Unions, 310
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Juries, Comm. *cl.* 42, 294; *cl.* 50, Motion for reporting Progress, 295, 296
Poor Relief (Ireland), 2R. 536
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Drainage and Improvement of Lands (Ireland) Act (1863) Amendment Bill
(*Mr. Bruen, Sir Thomas Bateson, Mr. O'Neill, Mr. Kavanagh*)

c. Ordered; read 1^o * May 20 [Bill 120]

Drainage and Improvement of Lands (Ireland) Provisional Order Bill
(*Mr. William Henry Smith, Sir Michael Hicks-Beach*)

c. Ordered; read 1^o * June 2 [Bill 131]
Read 2^o * June 4

DUFF, Mr. R. W., Banffshire
Batavia, H.M. Consul at—The Ship "Montrose," 480

DUNBAR, Mr. J., New Ross
College of Physicians (Ireland)—Supplemental Charter, 965
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Poor Relief (Ireland), 2R. 534, 541

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India—Bombay, Riots at, 174

DUNSANY, Lord
Irish Peerage—Address to Her Majesty, 1485
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DYNEVOR, Lord
Church Patronage (Scotland), 1R. 388
Public Worship Regulation, Re-comm. cl. 8, Amendt. 1120

DYOTT, Colonel R., Lichfield
Intoxicating Liquors, Comm. cl. 2, 1085

East India [Annuity Funds] Bill
(*The Marquess of Salisbury*)

l. Read 1^o * May 4 (No. 51)
Read 2^o * May 18
Committee; Report, after short debate May 19, 406
Read 3^o * May 21
Royal Assent June 8 [37 Vict. c. 12]

Ecclesiastical Patronage (Church of England) Bill (*Sir John Kennaway, Lord Henry Scott, Mr. J. G. Talbot, Mr. Salt*)

c. Ordered; read 1^o * May 20 [Bill 121]

Education

Agriculture, Children Employed in, Question, Mr. Fawcett; Answers, Mr. Goldney, Viscount Sandon May 11, 74

Education Department—The Education Code, Observations, Lord Francis Hervey; Reply, Viscount Sandon; debate thereon June 15, 1624

University Female Education, Observations, Mr. Cowper-Temple; debate thereon June 12, 1526

Education—Minister of Public Instruction
Moved to resolve, That, in the opinion of this House, it is desirable that the Committee of Council on Education should be superseded by the appointment of a Minister of Public Instruction, who should be entrusted with the care and superintendence of all matters relating to national encouragement of science and art and popular education (*The Lord Hampton*) May 22, 682; after short debate, on Question? resolved in the negative

Education, Science, and Art—Minister of Education

Amendt. on Committee of Supply June 15, To leave out from "That," and add "a Select Committee be appointed to consider how the Ministerial responsibility under which the Votes for Education, Art, and Science are administered may be better secured" (*Mr. Lyon Playfair*) v., 1589; Question proposed, "That the words, &c.:" after long debate, Question put, and agreed to

EGERTON, Hon. Admiral F., Derbyshire, E.
Navy Estimates—Steam Machinery, &c. 447

EGERTON, Hon. A. F. (Secretary to the Board of Admiralty), Lancashire, S.E.

Navy—Boys, Admission of, into the Navy, 1676
Navy Estimates—Dockyards, &c. at Home and Abroad, 434
Naval Stores, 442
Steam Machinery, &c. 448
Peru, Guano Deposits of—Survey, 699

Elementary Education Act (1870) Amendment Bill

[Bill 6]

(*Mr. Richard, Sir Thomas Bazley, Mr. Morley, Mr. William McArthur, Sir Henry Havelock*)
c. Moved, "That the Bill be now read 2^o" June 10, 1304

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Isaac*); after long debate, Question put, "That 'now,' &c.;" A. 128, N. 373; M. 245

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months Division List, A. and N. 1335

Elementary Education Provisional Order Confirmation Bill [H.L.]

(*The Lord President*)

l. Presented; read 1^o * June 5 (No. 88)

Elementary Education Provisional Order Confirmation (No. 2) Bill [H.L.]

(*The Lord President*)

l. Presented; read 1^o *; and referred to the Examiners June 12 (No. 108)

ELLICE, Mr. E., St. Andrews, &c.
Established Church (Scotland) (Communicants), 1271

ELLIOT, Admiral G., Chatham

Intoxicating Liquors, Comm. cl. 2, 1104
 Merchant Ships (Measurement of Tonnage),
 2R. 1223
 Navy—Ironclads, Construction of, Res. 419,
 420
 Navy Estimates—Dockyards, &c. at Home and
 Abroad, 435

ELPHINSTONE, Sir J. D. H., Portsmouth
 Harbour of Colombo (Loan), Comm. cl. 3, 302

Endowed Schools Commission

Gelligaer School, Her Majesty's Answer to
 Address [May 8] reported May 15, 305
 Renewal of Commission, Question, Mr. Lea-
 tham; Answer, Viscount Sandon May 19, 481
 Tunbridge School, Question, Mr. Goldsmid;
 Answer, Viscount Sandon June 15, 1586
 Legislation, Question, Mr. Leatham; Answer,
 Viscount Sandon June 8, 1156

ENFIELD, Viscount

Sligo, Leitrim, and Northern Counties Rail-
 way, Motion for Re-comm. 306

Epping Drainage District

Question, Dr. Lush; Answer, Mr. Selater-
 Booth May 21, 621

ERRINGTON, Mr. G., Longford Co.

Ireland—Dublin University, 751

ESLINGTON, Lord, Northumberland, S.

Intoxicating Liquors, Comm. cl. 2, 1094;
 Consid. cl. 2, 1697
 Navy—Reserve Squadron, 1404
 Navy Estimates—Naval Stores, 441
 Registration of Births and Deaths, 2R. 284

EVANS, Mr. T. W., Derbyshire, S.

Education Department—Education Code, 1633
 Intoxicating Liquors, 2R. 108; Comm. cl. 2,
 1026, 1082

**EXCHEQUER, CHANCELLOR of the (see
 CHANCELLOR of the EXCHEQUER)**

Factories (Health of Women, &c.) Bill

(Mr. Secretary Cross, Sir Henry Selwin-Ibbetson,
 Viscount Sandon)

c. Ordered; read 1^o May 18 [Bill 115]
 Moved, "That the Bill be now read 2^o"
 June 11, 1415
 Amendt. to leave out from "That," and add
 "in the opinion of this House, it would be
 inexpedient to pass those portions of the Bill
 which impose new legislative restrictions on
 the number of hours during which adults
 are to be permitted to work" (Mr. Fawcett) v.,
 1421; Question proposed, "That the words,
 &c.;" after long debate, Question put;
 A. 295, N. 79; M. 216
 Main Question put, and agreed to; Bill read 2^o

Factory Acts Amendment Bill

(Mr. Mundella, Mr. Shaw, Mr. Callender, Mr.
 Philips, Mr. Cobbett, Mr. Anderson, Mr. Morley)
 c. Bill withdrawn * June 11 [Bill 5]

FAWCETT, Mr. H., Hackney

Children Employed in Agriculture, 74
 Factories (Health of Women, &c.), 2R. Amendt.
 1421
 Great Southern of India and Carnatic Railway
 Companies (No. 2), Comm. 530; 2R. Amendt.
 848, 849; 3R. 1496
 India—Financial Statement, 621
 Intermediate Education (Ireland), Res. 1280
 Intoxicating Liquors, 2R. 149; Comm. cl. 10,
 1117

FEVERSHAM, Earl of

Supreme Court of Judicature Act (1873)
 Amendment, 2R. 1052

**FIELDEN, Mr. J., Yorkshire, W.R.,
 E. Div.**

Intoxicating Liquors, Comm. cl. 2, 1088, 1090

Fiji, Annexation of

Question, Mr. William M'Arthur; Answer, Mr.
 J. Lowther June 11, 1406

Fines, Fees, and Penalties Bill

(Mr. Serjeant Simon, Mr. Melly, Mr. Charley,
 Mr. Rathbone, Mr. Mellor, Mr. Gourley)
 c. Bill read 2^o, after short debate May 21, 669
 [Bill 59]
 Committee; Report, with new Short Title—
 [Municipal Corporations (Disposition of Pe-
 nalties) Bill] June 1, 801

**FITZGERALD, Right Hon. Sir W. S.,
 Horsham**

Intoxicating Liquors, Comm. add. cl. 1201;
 Consid. cl. 26, 1717

FITZMAURICE, Lord E. G., Calne

Education Department—Education Code, 1627
 Hertford College (Oxford), 480
 Ireland—National Education Commissioners—
 Callan Schools, Res. 876
 Intoxicating Liquors, Comm. cl. 2, 1088

FLOYER, Mr. J., Dorsetshire

Intoxicating Liquors, Comm. cl. 2, 1030
 Juries, Comm. cl. 50, 298; cl. 77, 806
 Supply—Broadmoor Criminal Lunatic Asylum,
 357

FORDYCE, Mr. W. D., Aberdeenshire, E.

Scotch Fishery Board—Herring Barrels, 86
 Spirituous Liquors (Scotland), 2R. 568

FORSTER, Right Hon. W. E., Bradford

Education Department—Education Code, 1633
 Elementary Education Act (1870) Amendment,
 2R. 1343, 1344, 1347
 Great Southern of India and Carnatic Railway
 Companies (No. 2), 3R. 1495

FORSTER, Right Hon. W. E.—cont.

Household Franchise (Counties), 2R. 241
 Intoxicating Liquors, 2R. 101, 146, 149; Comm.
cl. 2, 1022, 1031, 1067, 1082, 1086, 1098;
cl. 10, 1117; Consid. 1692; *cl.* 2, 1700;
cl. 26, 1734, 1738, 1740
 Parliament—Business of the House, Res. 1413
 Supply—Public Education, 1639, 1647
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FORSTER, Sir C., Walsall

Parliament—Privilege—Offensive Imputations,
 1153

FORSYTH, Mr. W., Marylebone

India—Amir of Kashgar, 339
 Intoxicating Liquors, 2R. 116; Comm. *cl.* 2,
 Amendt. 1003; *add. cl.* 1195; Consid. *cl.* 26,
 1716
 Juries, Comm. *cl.* 50, 297; *cl.* 53, 674; *cl.* 77,
 807
 Metropolis—Salaries of Metropolitan Police
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 Monastic and Conventual Institutions, Res.
 1523
 Parliament—Privilege—Explosive Substances
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 753
 Post Office Establishment, Salaries, 618
 Public Meetings (Ireland), 2R. 588, 589

FOTHERGILL, Mr. R., Merthyr Tydvil

Intoxicating Liquors, Comm. *cl.* 2, 1069

Four Courts Marshalsea, Dublin, Bill

(*Sir Michael Hicks-Beach, Mr. Attorney General
 for Ireland*)

- c.* Ordered; read 1° * *May* 18 [Bill 116]
 Read 2° * *May* 19
 Committee *; Report *June* 8
 Considered * *June* 10
 Read 3° * *June* 11
l. Read 1° * (*The Lord President*) *June* 12
 (No. 107)

FRESHFIELD, Mr. C. K., Dover

Intoxicating Liquors, Consid. *cl.* 2, 1697; *cl.* 26,
 1722
 Juries, Comm. *cl.* 5, Amendt. 287

Friendly Societies Bill

[Bill 140]

(*Mr. Chancellor of the Exchequer, Mr. Secretary
 Cross, Mr. William Henry Smith*)

- c.* Legislation, Observations, The Chancellor of
 the Exchequer *June* 5, 1054
 Motion for Leave (*The Chancellor of the Ex-
 chequer*) *June* 8, 1206; after short debate,
 Motion agreed to; Bill ordered; read 1° *
 Question, Mr. E. Jenkins; Answer, The Chan-
 cellor of the Exchequer *June* 16, 1677

GALWAY, Viscount, Retford (East)

Intoxicating Liquors, Comm. *cl.* 2, 1022;
 Consid. *cl.* 26, 1729, 1740
 Supply—Salaries of the Officers, &c. of the
 Household of the Lord Lieutenant of Ireland,
 346

Game Birds (Ireland) Bill

(*Viscount Crichton, Mr. Serjeant Sherlock, The
 Marquess of Hamilton*)

- c.* Considered * *April* 29
 Read 3° * *April* 30
l. Read 1° * (*Viscount Powerscourt*) *May* 1
 Read 2° * *May* 5 (No. 49)
 Committee *; Report *May* 7
 Read 3° * *May* 8
 Royal Assent *May* 21 [37 *Vict.* *c.* 11]

GARDNER, Mr. J. T. Agg-, Cheltenham

Intoxicating Liquors, Consid. *cl.* 26, Amendt.
 1713
 Navy—Boys, Admission of, into the, 1676

GARNIER, Mr. J. CARPENTER-, Devon, S.

Valuation of Property, 2R. 663

Gas and Water Orders Confirmation

Bill [H.L.] (*The Lord Dunmore*)

- l.* Read 2° * *May* 15 (No. 52)
 Committee * *June* 11
 Report * *June* 12
 Read 3° * *June* 15

Gas Orders Confirmation Bill [H.L.]

(*The Lord Dunmore*)

- l.* Read 2° * *April* 20 (No. 25)
 Committee *; Report *April* 28
 Read 3° * *April* 30
c. Read 1° * (*Mr. Cavendish Bentinck*) *May* 5
 Read 2° * *May* 7 [Bill 94]
 Committee *; Report *May* 18
 Read 3° * *May* 19

GLOUCESTER and BRISTOL, Bishop of

Public Worship Regulation, Comm. *cl.* 9, 1148

GOLDNEY, Mr. G., Chippenham

Children Employed in Agriculture, 74
 Friendly Societies, Leave, 1218
 Intoxicating Liquors, Comm. *cl.* 12, 1174;
 Consid. *cl.* 2, 1696; *cl.* 26, Amendt. 1715,
 1716
 Juries, Comm. *cl.* 4, Amendt. 285; *cl.* 50, 296;
cl. 62, Amendt. 680; *cl.* 71, Amendt. *ib.*;
cl. 73, 803; *add. cl.* 1664
 Supply—Post Office Telegraph Service, 1662

GOLDSMID, Sir F. H., Reading

Innkeepers Liability, 2R. Amendt. 265
 Intoxicating Liquors, 2R. 111; Comm. 1001;
cl. 12, 1170, 1172
 University Female Education, 1560

GOLDSMID, Mr. J., Rochester

Board of Trade—Railway Inspectors—Captain
 Tyler, 329
 Endowed Schools—Tunbridge School, 1587
 Intoxicating Liquors, Comm. *cl.* 2, Motion for
 reporting Progress, 1027, 1089, 1090; *cl.* 3,
 1105; *add. cl.* 1195, 1202, 1205; Consid.
cl. 26, Motion for Adjournment, 1739, 1740,
 1741
 Juries, Comm. *cl.* 5, 286
 Supply—Chief Secretary for Ireland, 348
 University Female Education, 1560

GORDON, Mr. W., *Chelsea*
Supply—Post Office Services, 1855

GORE, Mr. W. R. ORMSBY-, *Shropshire, N.*
Ireland—Shannon, Improvement of the, 72

GOSCHEN, Right Hon. G. J., *London*
Intoxicating Liquors, 2R. 148, 857; Comm. 1000, 1001; *cl.* 2, 1018, 1029, 1030
Navy—Admiralty Administration, 427
Navy Estimates—Dockyards, &c. at Home and Abroad, 430
Steam Machinery, &c. 448
Parliament—Business of the House, Res. 1409

GOURLEY, Mr. E. T., *Sunderland*
Canada, Dominion of—Mercantile Marine Ensigns, 1055
Merchant Shipping Act—Masters of Pleasure Yachts, 853, 854
Merchant Ships (Measurement of Tonnage), 2R. 1221

GRANTHAM, Mr. W., *Surrey, E.*
Elementary Education Act (1870) Amendment, 2R. 1341
Intoxicating Liquors, Comm. *cl.* 2, 1012; Consid. *cl.* 26, 1715
Juries, Comm. *cl.* 7, 291; *cl.* 77, 806

GRANVILLE, Earl
Army and Militia—Address for Returns, 747
Church Patronage (Scotland), Comm. *cl.* 3, 1252, 1257
Irish Peerage—Address to Her Majesty, 1487, 1488
Public Instruction, Minister of, Res. 692
Public Worship Regulation, Re-comm. *cl.* 8, 1128; *cl.* 20, 1267
Representative Peers of Scotland, Motion for a Committee, 1492
Sligo, Leitrim, and Northern Counties Railway, Motion for Re-comm. 307

GRAY, Sir J., *Kilkenny Bo.*
Parliament—Business of the House, Res. 1414

Great Southern of India and Carnatic Railway Companies (No. 2) Bill

Moved, "That this House will, To-morrow, resolve itself into a Committee to consider the expediency of authorising the Secretary of State in Council of India and the Companies to be amalgamated under the Bill, to carry into effect an Agreement which has been come to between the said Secretary of State and the said Companies, and which is scheduled to the Bill" (*The Chancellor of the Exchequer*) May 19, 530; after short debate, Motion agreed to

Moved, "That the Bill be now read 2^d" (*Lord George Hamilton*) June 2, 848
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Fawcett*); after short debate, Question, "That 'now,' &c.," put, and agreed to; main Question put, and agreed to; Bill read 2^o

Great Southern of India and Carnatic Railway Companies (No. 2) Bill—cont.

Moved, "That, in the case of the Great Southern of India and Carnatic Railway Companies (No. 2) Bill), Standing Order 242 be suspended, and that the Bill be now read the third time" (*Sir Charles Forster*) June 12, 1495

Moved, "That the debate be now adjourned" (*Mr. Fawcett*); after short debate, Question put; A. 49, N. 102; M. 53
Original Question put, and agreed to; Bill read 3^o accordingly

GREENALL, Mr. G., *Warrington*
Intoxicating Liquors, Comm. *cl.* 2, 1093

GREENE, Mr. E., *Bury St. Edmunds*
Board of Trade—Railway Inspectors—Captain Tyler, 333
Intoxicating Liquors, 2R. 136; Comm. 992; *cl.* 2, 1066, 1071, 1083; Consid. *cl.* 26, 1709
Monastic and Conventual Institutions, Res. 1524
Parliament—Count-out, The late, 1301, 1302
Supply—Salaries of the Officers, &c. of the Household of the Lord Lieutenant of Ireland, 346

GREGORY, Mr. G. B., *Sussex, E.*
Consular Service—Vines, Mr., British Consul at Islay, Peru, 850
Intoxicating Liquors, Comm. *cl.* 2, 1080; *cl.* 9, 1113; *cl.* 12, Amendt. 1168, 1171; *cl.* 28, 1184; *add. cl.* 1194, 1196; Consid. *cl.* 26, Amendt. 1703, 1717, 1738
Juries, Comm. *cl.* 5, 290; *cl.* 29, Amendt. 293; *cl.* 42, Amendt. *ib.*; *cl.* 77, 805
Leases and Sales of Settled Estates, 2R. 542
Parliament—Statute of Anne—Office of Attorney or Solicitor General, Res. 180

GREY, Earl
Church Patronage (Scotland), Comm. *cl.* 3, 1233
Gold Coast, Affairs of the, 169
Irish Peerage—Address to Her Majesty, 1486
Public Instruction, Minister of, Res. 695
Public Worship Regulation, 2R. 56; Comm. 925; *cl.* 8, 1137; *cl.* 9, 1146; *cl.* 22, Amendt. 1573

Guatemala—Outrage on a British Vice Consul

Question, Mr. W. Lowther; Answer, Mr. Bourke May 15, 311

GUINNESS, Sir A. E., *Dublin*
Science and Art Department (Ireland), 1406

GURNEY, Right Hon. R., *Southampton*
Intoxicating Liquors, 2R. 124; Comm. *cl.* 2, 1077, 1089; *cl.* 9, 1114
Juries, Comm. *cl.* 5, 286; *cl.* 53, 675; *cl.* 77, 807

HALIFAX, Viscount
East India Annuity Funds, Comm. 467
India Councils, 3R. 1576

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HALL, Mr. A. W., *Oxford*

Army—Military Centres—Oxford, Motion for a Committee, 710

Intoxicating Liquors, Comm. cl. 2, 1019

HAMILTON, Lord C. J., *Lynn Regis*

Intoxicating Liquors, Comm. cl. 2, 1027; Amendt. 1068, 1076

Public Health Act—Infected Clothes, Destruction of, 267

HAMILTON, Lord G. F. (Under Secretary of State for India), *Middlesex*

Great Southern of India and Carnatic Railway Companies (No. 2), 2R. 849; 3R. 1496

India—Questions, &c.

Amir of Kashgar, The, 67, 340

Bombay, Riots at, 174, 964

Financial Statement, 621

H.M. Roman Catholic Servants, 69

Indian (Hindus and Mahomedan) Appointments, 1585

Madras Irrigation and Canal Company, 1162

HAMPTON, Lord

Public Instruction, Minister of, Res. 683

HANBURY, Mr. R. W., *Tamworth*

Gold Coast, 1158

Greece — Diplomatic Relations — Guarantee Loan, 73, 1404

HANKEY, Mr. T., *Peterborough*

Intoxicating Liquors, Comm. cl. 19, 1181

Juries, Comm. cl. 5, Amendt. 290

Metropolis—National Gallery—Pietro Della Francesca, The, 1584

Supply—Post Office Services, 1658

Harbour Dues (Isle of Man) Bill

(*Mr. Raikes, Mr. William Henry Smith, Sir Henry Selwin-Ibbetson*)

c. Considered in Committee; Bill ordered * Mar 31

Read 1^o * April 13

[Bill 65]

Read 2^o * April 16

Committee *; Report April 20

Read 3^o * April 23

l. Read 1^o * (*The Lord President*) April 24

Read 2^o * May 1

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Committee *; Report May 4

Read 3^o * May 5

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(*Mr. Raikes, Lord George Hamilton, Mr. William Henry Smith*)

c. Considered in Committee * Mar 31

Ordered * April 13

Read 1^o * April 14

[Bill 66]

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l. Read 1^o * (*Earl of Carnarvon*) June 12

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- l. Presented; read 1st May 22 (No. 79)
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- c. Select Committee May 14 [Bill 25]

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- l. Presented; read 1st June 1 (No. 80)
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- c. Moved, "That the Bill be now read 2nd"
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 chequer)*

- c. Moved, "That the Bill be now read 2nd"
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 ble branch of the liquor trade" (Mr. Melly),
 v.; Question proposed, "That the words,
 &c.;" after long debate, Moved, "That the
 debate be now adjourned" (Mr. Sullivan);
 Question put, and negatived
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 Main Question put, and agreed to; Bill read 2nd
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 after further debate, Amendt. to leave out

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 Considered June 16, 1677; after long debate,
 Moved, "That the Debate be now adjourned"
 (Mr. Goldsmid); Motion agreed to; debate
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**Intoxicating Liquors (Ireland) (No. 2) Bill
 (Sir Michael Hicks-Beach, Mr. Attorney General
 for Ireland)**

- c. Considered in Committee May 15, 367; Bill
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Science and Art Department, Question, Sir Arthur Guinness; Answer, Sir Michael Hicks-Beach June 11, 1406

The Irish Magistracy—Mr. Jackson, J.P., Question, Mr. O'Reilly; Answer, Sir Michael Hicks-Beach June 12, 1497

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Valuation Acts, Question, Captain Nolan; Answer, Mr. W. H. Smith June 11, 1406

Ireland—*Intermediate Education*

Moved, "That the present state of intermediate education in Ireland is unsatisfactory, and requires the immediate and serious consideration of Her Majesty's Government" (*Mr. O'Shaughnessy*) June 9, 1271; after short debate, Motion withdrawn

Ireland—*Peace Preservation Act—Case of Patrick Casey*

Moved, "That there be laid before this House, Copies of all Affidavits used on a Motion in the Queen's Bench in Ireland, made during last Term, for a writ of habeas corpus, in the case of Patrick Casey: of the Ruling of the Court upon such Motion: of the Warrant of the Lord Lieutenant originally issued for his arrest: of all subsequent Warrants, if any, transferring or changing his custody: and, of all sworn information, if any, on which the original warrant of his arrest was issued" (*Mr. Butt*) May 12, 190; after short debate, Motion withdrawn

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corpus, in the case of Patrick Casey: of the Ruling of the Court upon such Motion: of the Warrant of the Lord Lieutenant originally issued for his arrest: and, of all subsequent Warrants, if any, transferring or changing his custody" (*Mr. Butt*)

Ireland—*Railways—Local Guarantees*

Amendt. on Committee of Supply May 15, To leave out from "That," and add "in the opinion of this House, the existing system under which dividends chargeable on the Local Rates are guaranteed on capital invested in the construction of Railways in Ireland is unsatisfactory, and that no Bill containing local guarantee Clauses ought to be entertained, unless in the first instance the assent be proved of at least a majority of the ratepayers eligible for association with the magistrates at each of the immediately preceding baronial sessions of the county, and that in all future cases where the rates are thus pledged for the payment of dividends, the local governing bodies should be empowered to raise on behalf of the ratepayers the capital necessary for the construction of the Railway" (*The O'Connor Don*) v. 315; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

[See title *Sligo, Leitrim, and Northern Counties Railway Bill*]

Ireland—*Registration of Parliamentary Voters*

Moved, "That a Select Committee be appointed to inquire into the expediency of amending the Law relating to the Registration of Parliamentary Voters in Ireland, with a view to facilitate the registration of persons entitled to the franchise, and to prevent frivolous objections; and to report thereon" (*Mr. Meldon*) May 19, 529; Motion agreed to; List of the Committee, 530

Ireland—*The National Education Commissioners—Callan Schools*

Moved, "That, in the opinion of this House, the action taken by the Irish Commissioners for Education in reference to the Callan Schools has been marked with inconsistency, and has not been in conformity with precedents or with the spirit of its regulations" (*Mr. William Cartwright*) June 2, 867

Amendt. proposed, to leave out from "That," and add "this House, without expressing any approval of the conduct of the Commissioners of National Education in Ireland in originally dismissing Mr. O'Keeffe from the office of Manager of the Callan Schools, is of opinion, having regard to the course taken by the Board since the adoption of the Rule of July 1873, and to the existing arrangements for the management of the Schools, that there does not at present exist any sufficient ground for the interference of Parliament" (*Sir Michael Hicks-Beach*) v.; Question proposed,

[*cont.*

Ireland—The National Education Commissioners—Callan Schools—cont.

"That the words, &c.;" after long debate, Question put; A. 118, N. 206; M. 88
Words added; main Question, as amended, put, and agreed to

Ireland—National School Teachers

Moved, "That, in the opinion of this House, the present condition of the National School Teachers of Ireland, and the discontent which prevails amongst that important body of public servants, call for the early attention of Her Majesty's Government, with a view to a satisfactory adjustment of their claims" (Mr. Meldon) June 9, 1882

Amendt. proposed, to add, at end of Question, "by means of increased allowances from local sources" (Mr. McLaren); Question proposed, "That those words be there added;" after debate, Amendt. and Motion withdrawn

Irish Church Representative Body

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Irish Land Act, 1872—Legislation

Question, Mr. Dillwyn; Answer, The O'Donoghue May 21, 620

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Moved that an humble Address be presented to Her Majesty, praying Her Majesty's consent to a Bill being introduced limiting the prerogative of the Crown in so far as it relates to the creation of Irish Peerages, as provided by the Act of Union (*The Lord Inchiquin*) June 12, 1476; after short debate, Motion withdrawn

[See title *Parliament—Representative Peers of Scotland*]

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c. Ordered; read 1^o June 16 [Bill 153]

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(*Sir Percy Burrell, Mr. Cunliffe Brooks*)
c. Ordered; read 1^o * June 10 [Bill 144]

LAIRD, Mr. J., *Birkenhead*
Intoxicating Liquors, 2R. 159, 273; Comm.
995; *cl.* 2, 1088; Amendt. 1091, 1104

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(*The Earl of Bandon*)

l. Bill withdrawn * May 21 (No. 53)

Landed Property (Ireland) (No. 2) Bill
[H.L.] (*The Earl of Bandon*)

l. Presented; read 1^o * May 21 (No. 75)
Bill withdrawn * June 2

Land Tax Commissioners Names Bill
(*Mr. William Henry Smith, Mr. Chancellor of*
the Exchequer)

c. Read 2^o * April 27 [Bill 76]

Committee *; Report June 8
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l. Read 1^o * (*Lord President*) June 12 (No. 102)

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(*The Lord Chancellor*)

l. Report * May 15 (Nos. 54-73)
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LLOYD, Mr. S. S., *Plymouth*

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*Local Government Board (Ireland) Pro-
visional Order Confirmation Bill [H.L.]
(The Lord President)*

l. Presented; read 1^a * May 21 (No. 76)
Read 2^a * June 12

*Local Government Board's Provisional
Orders Confirmation (No. 3) Bill [H.L.]
(The Lord Walsingham)*

l. Presented; read 1^a *; and referred to the
Examiners June 2 (No. 82)
Read 2^a * June 9

*Local Government Board's Provisional
Orders Confirmation (No. 4) Bill [H.L.]
(The Lord Walsingham)*

l. Presented; read 1^a *; and referred to the
Examiners June 11 (No. 97)

*Local Government Board's Provisional
Orders Confirmation (No. 5) Bill [H.L.]
(The Lord Walsingham)*

l. Presented; read 1^a *; and referred to the
Examiners June 12 (No. 99)

*Local Government Provisional Orders
Bill (Mr. Clare Read, Mr. Sclater-Booth)*

c. Read 2^a * Mar 31 [Bill 62]

Committee *; Report April 14

Read 3^a * April 15

l. Read 1^a * (The Lord Steward) April 16
Read 2^a * April 23 (No. 26)

Committee *; Report April 24

Read 3^a * April 27

Royal Assent May 21 [37 Vict. c. 1]

*Local Government Provisional Orders
(No. 2) Bill
(Mr. Clare Read, Mr. Sclater-Booth)*

c. Ordered; read 1^a * May 15 [Bill 112]

Read 2^a * May 18

Committee *; Report June 4

Read 3^a * June 5

l. Read 1^a * (Lord Walsingham) June 8 (No. 92)
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LOCKE, Mr. J., *Southwark*

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LOWE, Right Hon. R., *London University*

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MACARTNEY, Mr. J. W. E., *Tyrone*

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MACCARTHY, Mr. J. G., *Mallow*

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MCLAGAN, Mr. P., *Linlithgowshire*

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Education Department—Education Code, 1629
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Question, Sir Patrick O'Brien ; Answer, Mr. J.
Lowther June 8, 1162

**Magistrates (Ireland) and Commissioners of
Dublin Police [Allowances]**

c. Considered in Committee ; a Resolution agreed
to May 22, 725

**Magistrates (Ireland) and Commissioners
of Dublin Police Salaries Bill**

(Sir Michael Hicks-Beach, Mr. Attorney
General for Ireland)

c. Resolutions [May 1] reported ; Bill ordered ;
read 1^o * May 18 [Bill 117]

Read 2^o * May 21
Committee ; Report June 1, 795
Read 3^o * June 2

l. Read 1^o * (*The Lord President*) June 4
Read 2^o * June 17 (No. 86)
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Read 3^o *

MAKINS, Lieut.-Colonel W. T., *Essex, S.*
Elementary Education Act (1870) Amendment,
2R. 1327

Malay Peninsula

Moved, "That humble Address be presented to Her Majesty for, Copy of the correspondence on the proceedings of the Straits Government in the Malay Peninsula" (*The Lord Stanley of Alderley*) May 19, 1867; after short debate, on Question, resolved in the negative

Sir Harry Ord, Personal Explanations, The Earl of Carnarvon, The Earl of Kimberley; short debate thereon May 21, 1867

MALMESBURY, Earl of (Lord Privy Seal)
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MANNERS, Right Hon. Lord J. J. R.
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MARLBOROUGH, Duke of

Public Worship Regulation, 2R. 32; Comm. 924, 925, 926, 928, 930, 931; Re-comm. cl. 8, 1124; cl. 9, 1148

Marriages Legalization (St. John the Evangelist's Chapel in the Parish of Shustock) Bill [H.L.]

(*The Bishop of London*)

- l. Read 2^a April 30 (No. 45)
Committee^a; Report May 5
Read 3^a May 7
- c. Read 1^a (*Mr. Clare Read*) May 11 [Bill 101]
Read 2^a May 18
Committee^a; Report May 21
Read 3^a June 1
- l. Royal Assent June 8 [37 Vict. c. 17]

Marriages Legalization (St. Paul's Church at Pooley Bridge) Bill [H.L.]

(*The Bishop of Carlisle*)

- l. Read 2^a April 30 (No. 42)
Committee^a; Report May 5
Read 3^a May 7
- c. Read 1^a (*Mr. Clare Read*) May 11 [Bill 102]
Read 2^a May 14
Committee^a; Report May 18
Read 3^a May 21
- l. Royal Assent June 8 [37 Vict. c. 14]

Married Women's Property Act (1870) Amendment Bill

(*Mr. Morley, Sir John Lubbock, Sir Charles Mills*)

- c. Re-comm.^a May 18 [Bill 96]
Considered^a May 22
Read 3^a June 2
- l. Read 1^a (*The Lord Pensance*) June 4
Read 2^a June 16 (No. 173)

MARTEN, Mr. A. G., *Cambridge*

Intoxicating Liquors, Comm. cl. 28, Amendt. 1184; add. cl. 1203; Consid. cl. 26, Amendt. 1719

MARTIN, Mr. J., *Meath*

Parliament—Business of the House, Res. 1411

MARTIN, Mr. P. W., *Rochester*

Intoxicating Liquors, Comm. 996; cl. 2, 1024, 1027, 1079; cl. 9, 1117; cl. 16, 1178; Consid. cl. 2, 1695; cl. 26, 1717, 1724, 1733
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MAXWELL, Sir W. STIRLING- *Perth-shire*

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MELDON, Mr. C. H., *Kildare*

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Intoxicating Liquors, 2R. Amendt. 76, 101, 102, 148, 149, 481, 856; Comm. 994; cl. 2, Amendt. 1003, 1005, 1006; Amendt. 1023, 1026, 1064; cl. 4, 1106; cl. 5, Amendt. 1107; cl. 6, 1108, 1109; cl. 8, 1110; cl. 9, 1115; Amendt. 1117; cl. 19, 1182; Consid. cl. 26, 1710, 1716, 1725, 1735

Mercantile Marine—Steering and Sailing Rules

Question, Sir John Hay; Answer, Sir Charles Adderley May 21, 619

Merchant Shipping Act—Masters of Pleasure Yachts

Questions, Mr. Gourley; Answers, Sir Charles Adderley June 2, 853

Merchant Ships (Measurement of Tonnage) Bill (*Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. Bourke*)

- c. Ordered; read 1^o * May 19 [Bill 118]
 Moved, "That the Bill be now read 2^o" June 8, 1220; after short debate, Question put, and agreed to
 Moved, "That the Bill be referred to a Select Committee" (*Mr. Norwood*); after further short debate, Motion withdrawn
 Committee *; Report June 15 [Bill 148]

METROPOLIS

- Dwellings for the London Poor*, Withdrawal of Notice, Lord Napier and Ettrick May 11, 1
Metropolitan Improvements—The New Public Offices—Parliament Street, Question, Observations, Lord Redesdale; Reply, The Duke of Richmond May 22, 681;—*Grosvenor Place*, Question, Mr. Adam; Answer, Lord Henry Lennox June 8, 1154
National Gallery—The Pietro Della Francesca, Question, Mr. Hankey; Answer, Mr. Disraeli June 15, 1584
National Portrait Gallery—Landseer's Portrait of Sir Walter Scott, Observations, The Chancellor of the Exchequer May 15, 312
Playgrounds for Children, Question, Sir Frederick Perkins; Answer, Mr. Assheton Cross May 14, 268
Raphael's Cartoons—Opening of Public Museums on Sundays, Question, Sir Charles W. Dilke; Answer, Viscount Sandon May 14, 266
Shelter for Riders in Hyde Park, Question, Mr. Adam; Answer, Lord Henry Lennox June 8, 1155
South Kensington and Bethnal Green Museums, Question, Mr. J. Holms; Answer, Viscount Sandon June 8, 1162
South Kensington—Science and Art Department, Question, Mr. Mundella; Answer, Viscount Sandon June 15, 1586

Metropolis Local Management Acts Amendment Bill

- (*Mr. Boord, Mr. Mills, Mr. Coope, Mr. Gordon*)
 c. Ordered; read 1^o * May 21 [Bill 123]

Metropolitan Police Magistrates, Salaries of

- Questions, Mr. Coope, Mr. Forsyth; Answers, Mr. Assheton Cross May 15, 310

Middlesex Sessions Bill

(*The Lord Steward*)

- l. Committee *; Report April 23 (No. 22)
 Read 3^o * April 24
 Royal Assent May 21 [37 Vict. c. 7]

MIDLETON, Viscount

Infants Contracts, 2R. 1225; Comm. 1668

Militia Law Amendment Bill

(*Mr. Secretary Hardy, The Judge Advocate, Mr. Stanley*)

- c. Ordered; read 1^o * June 2 [Bill 130]
 Read 2^o * June 8
 Committee *; Report June 11
 Read 3^o * June 12
 l. Read 1^o * (*The Earl of Pembroke and Montgomery*) June 15 (No. 110)

MILLS, Mr. A., Exeter

Intoxicating Liquors, Consid. cl. 26, 1711
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Monastic and Conventual Institutions

Postponement of Motion, Mr. Newdegate May 22, 698;—*Return from Foreign Countries*, Question, Sir George Bowyer; Answer, Mr. Newdegate June 1, 752; Motion for a Return, Mr. Newdegate June 9, 1298

[House counted out]

Amend. on Committee of Supply June 12, To leave out from "That," and add "it is expedient that Her Majesty's Ministers should introduce a Bill appointing Commissioners to inquire as to Monastic and Conventual Institutions in Great Britain" (*Mr. Newdegate*) v., 1498; Question proposed, "That the words, &c.;" after debate, Question put; A. 237, N. 94; M. 143

Monastic and Conventual Institutions Bill

(*Mr. Newdegate, Sir Thomas Chambers, Mr. Holt*)
 c. Bill withdrawn * June 9 [Bill 38]

MONCK, Viscount

Irish Church Temporalities Commission—Church Funds, 602, 612

MONCREIFF, Lord

Supreme Court of Judicature Act (1873) Amendment, 2R. 1047; Comm. 1375

MONK, Mr. C. J., Gloucester City

Board of Trade Arbitrations, Inquiries, &c. Comm. *add.* cl. 453
Harbour of Colombo (Loan), Comm. cl. 3, 302
Intoxicating Liquors, Consid. cl. 26, 1716
Magistrates (Ireland) and Commissioners of Dublin Police Salaries, Comm. 796
Revenue Officers Disabilities, Comm. cl. 1, 800
Supply—Salaries of the Officers, &c. of the Household of the Lord Lieutenant of Ireland, 344
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MOORE, Mr. A. J., Clonmel

Ireland—Licensing Act (1872), 751
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MORGAN, Mr. G. Osborne, Denbighshire

Intoxicating Liquors, 2R. 131; Comm. cl. 2, 1066; *add.* cl. 1199
Juries, Comm. cl. 5, 288; cl. 77, 805

MOWBRAY, Right Hon. J. R., Oxford University
 Army—Military Centres—Oxford, Motion for a Committee, 720
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MUNDELLA, Mr. A. J., Sheffield
 Board of Trade Arbitrations, Inquiries, &c. Comm. add. cl. 454
 Factories (Health of Women, &c.), 2R. 1463
 Intoxicating Liquors, Comm. cl. 2, 1100
 Science and Art Department—South Kensington, 1586
 Supply—Post Office Services, 1655

Municipal Boroughs (Auditors and Assessors) Bill [Bill 54]
 (Mr. Dodds, Mr. Pease, Mr. Richardson)
 c. Moved, "That the Bill be now read 2^o" May 20, 592
 Amendt. to leave out "now," and add "upon this day six months" (Mr. Pell); Question proposed, "That 'now,' &c.;" after short debate, Debate adjourned

Municipal Corporations Borough Funds Act, 1872—Legislation
 Question, Mr. A. Mills; Answer, Mr. Assheton Cross May 12, 174

Municipal Corporations (Disposition of Penalties) Bill Formerly Fines, Fees, and Penalties Bill
 (Mr. Serjeant Simon, Mr. Melly, Mr. Charley, Mr. Rathbone, Mr. Mellor, Mr. Gourley)
 c. Considered * June 2 [Bill 59]

Municipal Elections Bill
 (Mr. Gourley, Mr. Whitwell, Sir Henry Havelock, Mr. Richardson)
 c. Read 2^o*, and referred to a Select Committee June 8 [Bill 84]

Municipal Elections (Cumulative Vote) Bill (Mr. Heygate, Mr. Morley, Mr. Fawcett, Mr. Wheelhouse)
 c. Ordered; read 1^o* May 15 [Bill 113]

Municipal Franchise (Ireland) Bill
 (Mr. Butt, Mr. O'Shaughnessy, Mr. Richard Power)
 c. Ordered; read 1^o* June 5 [Bill 135]

Municipal Privileges (Ireland) Bill
 (Mr. Butt, Sir John Gray, Mr. Bryan, Mr. P. J. Smyth)
 c. Re-comm. *—R.F. May 19 [Bills 33-119]
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MUNTZ, Mr. P. H., Birmingham
 Chili—Arrest of a British Subject, 311
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MURE, Colonel W., Renfrew
 "Alabama," The—Compensation for British Property, Res. 862
 Factories (Health of Women, &c.), 2R. 1452
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NAGHTEN, Mr. A. R., Winchester
 Army—Cunningham Training Gear for Large Guns, 1402
 Intoxicating Liquors, Comm. cl. 8, Amendt. 1109
 Post Office—Sorting Offices, 1497

NAPIER AND ETTRICK, Lord
 Army—Boxer-Shrapnel Shell, The, 1493, 1494, 1495
 Church Patronage (Scotland), 2R. 838; Comm. cl. 3, 1256; Amendt. 1257
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Admission of Cadets, Question, Observations, The Earl of Camperdown; Reply, The Earl of Malmesbury; short debate thereon June 12, 1472; Question, Mr. Agg-Gardner; Answer, Mr. A. F. Egerton June 16, 1676
Reserve Squadron, Question, Lord Eslington; Answer, Mr. Hunt June 11, 1404

Navy—Construction of Iron-clads
 Question, Sir Edward Watkin; Answer, Mr. Hunt May 14, 370
 Amendt. on Committee of Supply May 18, To leave out from "That," and add "the mode of construction (assumed to have been introduced by the late Chief Constructor of the Navy) adopted in the 'Captain' and other ironclads, viz. deep empty spaces in the ships bottoms, and high centres of gravity, demands reconsideration on the part of the Admiralty" (Sir Edward Watkin) v., 399; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

NELSON, Earl
 Public Worship Regulation, 2R. 35; Comm. 947; Re-comm. cl. 8, 1122, 1123; Amendt. 1124, 1125; Amendt. 1128; cl. 9, 1144, 1264

NEVILLE-GRENVILLE, Mr. R., Somersetshire, Mid
 Household Franchise (Counties), 2R. 240

NEWDEGATE, Mr. C. N., Warwickshire, N.
 Household Franchise (Counties), 2R. 223
 Intoxicating Liquors, Comm. cl. 2, 1030; cl. 12, 1171
 Ireland—National Education Commissioners—Callan Schools, Res. 918
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NEWDEGATE, Mr. C. N.—*cont.*

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- Fisheries, Postponement of Notice, Sir John
Hay June 4, 1865
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kins ; Answer, Mr. J. Lowther May 21,
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NOEL, Mr. E., *Dumfries, &c.*

- Household Franchise (Counties), 2R. 235
Valuation of Property—Rating of Mines, 1156

NOLAN, Captain J. P., *Galway Co.*

- Household Franchise (Counties), 2R. 239
National School Teachers (Ireland), Res. 1298
Railways (Ireland)—Local Guarantees, Res.
318
Valuation Acts (Ireland), 1406

NORTH, Lieut-Colonel J. S., *Oxfordshire*

- Army—Military Centres—Oxford, Motion for a
Committee, 721, 722

NORTHCOTE, Right Hon. Sir S. H.
(*see* Chancellor of the Exchequer)NORWOOD, Mr. C. M., *Kingston-upon-
Hull*

- Intoxicating Liquors, Comm. 1002 ; *cl.* 2, 1022,
1029, 1093, 1094
Merchant Ships (Measurement of Tonnage),
2R. 1223
Municipal Boroughs (Auditors and Assessors),
2R. 595

O'BRIEN, Sir P., *King's Co.*

- India—Indian (Hindus and Mahomedans) Ap-
pointments, 1885
Maclean, Late Governor—Despatches of, 1162
Peace Preservation (Ireland) Act—Case of
Patrick Casey, Motion for Papers, 198

O'CLERY, Mr. K., *Wexford Co.*

- Irish Fisheries Report (1873), 852

O'CONOR DON, The, *Roscommon Co.*

- Ireland—National Education Commissioners—
Callan Schools, Res. 884
Railways (Ireland)—Local Guarantees, Res.
315, 328

O'DONOGHUE, The, *Tralee*

- Irish Land Act (1872)—Legislation, 620

Offences against the Person Bill

(*Mr. Charley, Mr. Whitwell, Mr. Edward
Davenport*)

*c. Report * May 11*

[Bills 13-97]

O'GORMAN, Major P., *Waterford*

- Ireland—Constabulary, The, 71
Derry Celebration—Costs of Colonel Hillier,
392
Monastic and Conventual Institutions, Res.
1524

O'HAGAN, Lord

- Court of Judicature (Ireland), 2R. 461
Supreme Court of Judicature Act (1873)
Amendment, 2R. 1046 ; Comm. 1378

O'LOGHLEN, Right Hon. Sir C. M.,
Clare Co.

- Parliament—Business of the House, Res. 1410
Supply—Government Prisons, &c. (Ireland),
364
Legal Expenses, Ireland, 366

ONSLOW, Mr. D. R., *Guildford*

- Customs and Inland Revenue, 3R. 657
Intoxicating Liquors, Comm. *cl.* 2, 1026, 1070
Ordnance Survey—Salaries of Civil Servants,
394, 1269

Opening of Museums on Sunday

Raphael's Cartoons, Question, Sir Charles W.
Dilke ; Answer, Viscount Sandon May 14,
266

Moved, "That, in the opinion of this House, it
is desirable to give greater facilities for re-
creation of a moral and intellectual character
by permitting the opening of Museums,
Libraries, and similar institutions on Sun-
day" (*Mr. P. A. Taylor*) May 19, 1882
Amendt. to leave out from "That," and add
"this House, while of opinion that all pos-
sible facilities should be afforded for the moral
and intellectual recreation of the people by
opening Museums, Libraries, and similar in-
stitutions on week-days, and where safe and
practicable, on week-day evenings, considers it
undesirable that any change should be made
in the existing arrangements for closing them
on Sundays" (*Mr. Allen*) *v.* ; Question pro-
posed, "That the words, &c.," after debate,
Question put ; A. 68, N. 271 ; M. 203 ;
words added ; main Question, as amended,
put, and agreed to

ORANMORE AND BROWNE, Lord

- Public Worship Regulation, Comm. 951 ; Re-
comm. *cl.* 8, 1126, 1127, 1128

Ordnance Survey

- North Wales*, Question, Mr. Morgan Lloyd ;
Answer, Lord Henry Lennox June 2, 852
Salaries of Employés of the Ordnance Survey,
Question, Mr. Onslow ; Answer, Lord Henry
Lennox May 18, 394

O'REILLY, Mr. M. W., *Longford Co.*

- Army—Militia and the Line, 964
India—H.M. Roman Catholic Servants, 69
Intoxicating Liquors, 2R. 149
Ireland—Convict Prisons, 1564
Irish Magistracy—Mr. Jackson, J. P., 1497
Poor Law Guardians, 1056
Ireland—National School Teachers, Res. 1296
Ireland—Railways—Local Guarantees, Res.
323

O'SHAUGHNESSY, Mr. R., *Limerick*

Ireland—Legal Proceedings, Expenses of, 700
Phoenix Park Riots, 1118
Ireland—Intermediate Education, Res. 1271, 1282
Parliament—Galway Writ, 1063
Poor Relief (Ireland), 2R. 531, 541

O'SULLIVAN, Mr. W. H., *Limerick Co.*

Inland Revenue (Ireland)—Mixing Spirits, 1268, 1269
Monastic and Conventual Institutions, Res. 1512
Town's Improvement Act (1854), 478
Ways and Means—Pauper Lunatics, 272

OXFORD, Bishop of

Public Worship Regulation, Comm. cl. 7, 958; cl. 8, 1143

Oyster and Mussel Fisheries Orders Confirmation Bill [H.L.]

(*The Lord Dunmore*)

- l. Read 2^o May 11 (No. 36)
Committee*; Report May 19
Read 3^o May 21
c. Read 1^o June 2 [Bill 129]
Read 2^o June 4
Committee*; Report June 15
Read 3^o June 16

PAGET, Mr. R. H., *Somersetshire, Mid.*

Army—Militia Storehouses, 67
Criminal Lunatics—Broadmoor and County Asylums, 67
Intoxicating Liquors, Consid. cl. 26, 1738
Supply—Post Office Telegraph Service, 1862

PALMER, Mr. C. M., *Durham, N.*

Navy Estimates—Steam Machinery, &c. Amendt. 443

Parliament

LORDS—

Private Bills, Moved that Standing Order No. 179. sect. 1. be suspended; and that the time for depositing petitions praying to be heard against Private Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the Recess May 21; agreed to

COMMONS—

Privilege

Breach of Privilege—The "Morning Post," Question, Observations, Mr. Herbert; Reply, Mr. Speaker May 18, 394

Explosive Substances Committee, Leave given to the Select Committee on Explosive Substances to make a Special Report (*Sir John Hay*) May 22, 698; Special Report brought up, and read

Ordered, That Mr. R. S. France do attend this House upon Monday the 1st day of June next, at half an hour after Four of the clock Order read for Attendance of Mr. R. S. France June 1, 752

[cont.]

PARLIAMENT—COMMONS—cont.

Moved, "That Mr. R. S. France be called in" (*Sir John Hay*); after short debate, Question put, and agreed to; after further short debate, Mr. R. S. France directed to withdraw Ordered, "That Mr. R. S. France be called to the Bar of this House, &c.," 755

Moved, "That these proceedings be entered on our Journals" (*Mr. Disraeli*); Motion agreed to

Ordered, Nemine Contradicente, That what has been now said by Mr. Speaker, in admonishing R. S. France, be entered in the Journals of this House

Imprisonment of Mr. Whalley for Contempt of Court, Observations, Mr. Whalley May 11, 150; Motion for a Select Committee (*Mr. Whalley*) May 12, 201 [House counted out]

Petition—Offensive Imputations on Select Committee on Public Petitions, Moved, "That the Order [2nd June] that the Petition should lie on the Table be discharged" (*Sir Charles Forster*) June 8, 1153; Order read, and discharged; Petition withdrawn

Public Business

Public Business after the Whitsun Vacation, Questions, Mr. J. G. Talbot, Mr. Cogan; Answers, Mr. Disraeli, Mr. Newdegate May 22, 701

Order—Monastic and Conventual Institutions Bill, Observations, Mr. Newdegate; Reply, Mr. Speaker June 5, 1053—*The late Count-Out*, Observations, Mr. Newdegate June 10, 1299; Moved, "That this House do now adjourn" (*Mr. Greene*); after short debate, Question put, and negatived

Observations, Colonel Barttelot June 5, 1062
Arrangement of Public Business, Question, Colonel Barttelot; Answer, Mr. Disraeli June 8, 1164

Whitsun Recess, House adjourned on Friday 22nd May to Monday 1st June

Derby Day—Adjournment of the House, Moved, "That this House will, at the rising of the House this day, adjourn till Thursday next" (*Mr. Disraeli*) June 2, 854; after short debate, Question put; A. 243, N. 69; M. 174

Moved, That the Orders of the Day subsequent to the Intoxicating Liquors Bill be postponed till after the Notice of Motion of Mr. Chancellor of the Exchequer relating to Friendly Societies (*Mr. Disraeli*) June 8, 1164; after short debate, Motion agreed to

Parliament—Ascension Day—Committees

Moved, "That Committees shall not sit upon Thursday, being Ascension Day, until Two o'clock, and shall have leave to sit until Six o'clock, notwithstanding the sitting of the House" (*Mr. Gathorne Hardy*) May 12, 175; Motion agreed to

Parliament—Business of the House

Moved, That upon Tuesday next, and upon every succeeding Tuesday during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Go-

[cont.]

Parliament—Business of the House—cont.

vernment Orders of the Day having the priority (*Mr. Gathorne Hardy*) June 11, 1407; after short debate, Motion agreed to

Parliament—Controverted Elections—Judges' Reports

Borough of Poole May 13, 205

Kerry May 12, 205

Borough of Pembroke May 14, 304

Galway Borough June 1, 749

Durham, Bolton, Galway, Wigton District of Burghs June 1, 750

Wigtown Burghs Writ June 2, 847

Haverfordwest, Durham County (Northern Division) June 2, 847

Boston Borough June 8, 1152

Borough of Drogheda June 15, 1583

The Galway Writ, Questions, Mr. Conolly; Answers, The Attorney General for Ireland, Mr. O'Shaughnessy June 5, 1062

General Election—Returns, Question, Mr. Dodds; Answer, Mr. Assheton Cross May 22, 700

Parliament—New Writs

Ordered, That every Motion for a New Writ, of which Notice has been given, pursuant to the Resolution of the 30th day of April last, be appointed for consideration before the Orders of the Day and Notices of Motions (*Mr. Disraeli*) May 11

Parliament—Representative Peers of Scotland

Moved that a Select Committee be appointed to inquire into the present method of electing the Representative Peers for Scotland and Ireland, and to report whether any changes are desirable therein (*The Earl of Rosebery*) June 12, 1489; after short debate, further debate adjourned

[See title *Irish Peerage*]

Parliament—Salaries and Emoluments of the Officers of the Two Houses of Parliament

Moved, "That a Select Committee be appointed to inquire into and report upon the Salaries and Emoluments of the Officers of the Two Houses of Parliament, with the view, as vacancies occur, of fixing them upon an equitable basis" (*Mr. Dillwyn*) May 12, 183

Amendt. proposed, to leave out from "Officers of the," and add "House of Commons" (*Sir Henry Wolf*) v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; main Question put; A. 59, N. 226; M. 107

Parliament—Statute of Anne—Office of Attorney or Solicitor General

Moved, "That, in the interest of the public service, it is expedient that Members of this House who after their election may have accepted the office of Her Majesty's Attorney General or Solicitor General, should be for the future exempted from the operation of

[cont.]

Parliament—Statute of Anne—Office of Attorney or Solicitor General—cont.

the Law under which all Members who may accept offices of profit under the Crown are compelled to vacate their seats" (*Mr. Yorke*) May 12, 175; after short debate, Question put, and negatived

PARLIAMENT—HOUSE OF LORDS

New Peers

June 2—The Right Honourable Edmund Hammond, created Baron Hammond of Kirkella in the town and county of the town of Kingston-upon-Hull

June 8—His Royal Highness Prince Arthur William Patrick Albert, created Earl of Sussex and Duke of Connaught and of Strathearn

Sat First

May 15—The Lord Thurlow, after the death of his Brother

June 8—The Lord Zouche of Haryngworth, after the death of his Father

Representative Peer for Ireland

(Writ and Return)

May 11—Lord Castlemaine, v. Lord Blayney, deceased

COMMONS—

New Writs Issued

May 18—*For Poole, v. Charles Waring, esquire, void Election*

June 2—*For Wigton Burghs, v. Right Hon. George Young, Judge of Court of Session*

June 4—*For Durham City, v. John Henderson, esquire, and Thomas Charles Thompson, esquire, void Election*

For Haverfordwest, v. Lord Kensington, void Election

June 8—*For Durham County (Northern Division), v. Isaac Lothian Bell, esquire, and Charles Mark Palmer, esquire, void Election*

New Members Sworn

May 18—John Edward Dorington, esquire, *Stroud*

May 19—Alfred John Stanton, esquire, *Stroud*

May 21—Henry Brinsley Sheridan, esquire, *Dudley*

June 1—Hon. Antony Evelyn Melbourne Ashley, *Poole*

June 2—George Ekins Browne, esquire, and John O'Connor Power, esquire, *Mayo*

June 15—Baron Kensington, *Haverfordwest* Farrer Herschell, esquire, and Sir Arthur Edward Monck, baronet, *Durham City*

Parliamentary Voters Registration (Ireland) Bill

(*Mr. Meldon, Sir John Gray, Mr. Sullivan, Mr. Synan*)

c. Bill withdrawn* June 5

[Bill 72]

Parochial Records (Ireland) Bill [H.L.] (*The Earl of Belmore*)

l. Presented; read 1^o * May 15 (No. 68)
Bill read 2^o, after short debate June 11, 1898

Payment of Revising Barristers Bill

(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

c. Ordered; read 1^o * June 1 [Bill 127]

PEASE, Mr. J. W., Durham, S.

Intoxicating Liquors, 2R. 89; Comm. 995;
cl. 2, 1003, 1006, 1024, 1031; cl. 19, 1180;
cl. 28, 1184, 1187; add. cl. 1195; Consid.
cl. 26, Amendt. 1704, 1708; Amendt. 1714;
Amendt. 1722

Juries, Comm. cl. 50, 300

Local Authorities Receipts and Expenditure,
1872—School Boards, 479

Parliament—Business of the House, Res. 1409

Parliament—Public Business—Orders of the
Day, Res. 1168

PEEK, Sir H. W., Surrey, Mid.

Convict Prisons, Officers of, 616

Juries, Comm. cl. 5, 289

PEEL, Mr. A. W., Warwick Bo.

Poor Law—Emigration of Children to Canada,
1057

PELL, Mr. A., Leicestershire, S.

Juries, Comm. cl. 42, 294

Municipal Boroughs (Auditors and Assessors),
2R. Amendt. 593

Registration of Births and Deaths, 2R. 283

Supply—Public Education, 1651

PEMBROKE, Earl of

Army and Militia, Address for Returns, 735

Army—Boxer-Shrapnel Shell, 1494

PENZANCE, Lord

Public Worship Regulation, Comm. cl. 7, 958

Supreme Court of Judicature Act (1873) Amend-
ment, 2R. 1037, 1038; Comm. 1363; cl. 10,

Amendt. 1669, 1671; Amendt. 1672

PERKINS, Sir F., Southampton

Metropolis—Playgrounds for Children, 268

Post Office—West India Mails, 1587

Personation Bill

(*Mr. George Clive, Sir Charles Forster*)

c. Ordered; read 1^o * June 10 [Bill 146]

Peru—The Guano Deposits

Question, Mr. Wheelhouse; Answer, Mr.
Bourke May 14, 274;—Survey, Question,
Mr. McLagan; Answer, Mr. A. F. Egerton
May 22, 699

PETERBOROUGH, Bishop of

Public Worship Regulation, 2R. 22, 24; Comm.
946, 950; Re-comm. cl. 8, 1122, 1125,
1127; cl. 9, 1144, 1147; cl. 22, Amendt.
1569

Pier and Harbour Orders Confirmation Bill [H.L.] (*The Lord Dunmore*)

l. Read 2^o * May 11 (No. 37)
Committee * June 15
Report * June 16

PLAYFAIR, Right Hon. Mr. Lyon, Edin- burgh and St. Andrew's Universities

Education—Science and Art—Minister of Edu-
cation, Motion for a Committee, 1589, 1623

Factories (Health of Women, &c.), 2R. 1470

Ireland—National Education Commissioners—
Callan Schools, Res. 895

Registration of Births and Deaths, 2R. 278

Spirituous Liquors (Scotland), 2R. 576

Supply—Post Office Services, 1658

University Female Education, 1540

PLUNKETT, Hon. R. E., Gloucester, W.

Household Franchise (Counties), 2R. 233

Poor Law—Emigration of Children to Canada

Question, Mr. A. Peel; Answer, Mr. Selater-
Booth June 5, 1057

Poor Law—St. Pancras Union—Mor- tality of Young Children

Question, Observations, Earl De La Warr;
Reply, Lord Walsingham June 15, 1673

Moved, "That there be laid before this House
Report of the Inspector of the Local Go-
vernment Board on the subject of the high
rate of mortality among infants in the work-
house of the Parish of St. Pancras during
the past year" (*The Earl De La Warr*);
Motion agreed to

Poor Relief (Ireland) Bill [Bill 57]

(*Mr. O'Shaughnessy, Mr. Butt, Mr. Downing,
Mr. Redmond, Mr. Broune*)

c. Moved, "That the Bill be now read 2^o"
May 19, 531

Amendt. to leave out "now," and add "upon
this day six months" (*Mr. Kavanagh*);
after short debate, Question, "That 'now,'
&c.," put, and negatived

Words added; main Question, as amended,
put, and agreed to; 2R. put off for six
months

POST OFFICE

Royal Mail Steam Packet Company's Contract,
Question, Mr. Bates; Answer, Lord John
Manners June 5, 1058

Salaries, Question, Mr. Forsyth; Answer,
Lord John Manners May 21, 618

Sorting Offices, Question, Mr. Naghten; An-
swer, Lord John Manners June 12, 1497

United States—Penny Postal Cards, Question,
Mr. Seely; Answer, Lord John Manners
May 12, 174; May 14, 273

West India Mail Contract, Question, Mr.
Torr; Answer, Lord John Manners May 11,
73; Question, Sir Frederick Perkins; An-
swer, Lord John Manners June 15, 1587

POWER, Mr. R., *Waterford*
 Monastic and Conventual Institutions, Res.
 1528
 National School Teachers (Ireland), Res. 1297

Powers Law Amendment Bill [H.L.]
(The Lord Selborne)

l. Presented; read 1st June 5 (No. 89)

PRAED, Mr. H. B. M., *Colchester*
 Intoxicating Liquors, Consid. 1877

PRICE, Mr. W. E., *Tewkesbury*
 Ashantee War Medal, 68

Prisons Act—Education in Prisons
 Question, Colonel Leigh; Answer, Mr. Asheton Cross May 15, 309

Protection of Women and Children Bill
 Question, Colonel Mure; Answer, Mr. Asheton Cross June 15, 1588

Public Health Act

Destruction of Infected Clothes, Question, Lord Claud John Hamilton; Answer, Mr. Solater-Booth May 14, 267

Importation of Infectious Disease—Prevention Expenses, Question, Observations, Mr. S. Lloyd; Reply, Mr. Solater-Booth June 12, 1565

Public Health (Ireland) Bill
(Sir Michael Hicks-Beach, Mr. Attorney General for Ireland)

c. Read 2^o, after debate May 21, 667 [Bill 53]

Public Health (Scotland) Supplemental Bill *(The Lord Advocate, Sir Henry Selwin-Ibbetson)*

c. Ordered; read 1^o May 14 [Bill 106]

Read 2^o May 21
 Committee*; Report June 8
 Read 3^o June 11

l. Read 1st (Lord Steward) June 11 (No. 106)

Public Meetings (Ireland) Bill [Bill 23]
(Mr. P. J. Smyth, Mr. Ronayne, Mr. McCarthy Downing)

c. Moved, "That the Bill be now read 2^o" May 20, 585

Amendt. to leave out "now," and add "upon this day six months" (Mr. Attorney General for Ireland); Question proposed, "That 'now,' &c.;" after short debate, Question put; A. 84, N. 216; M. 132

Words added; main Question, as amended, put, and agreed to; Bill put off for six months

Public Office Libraries—Duplicate Books, &c.

Question, Mr. Wheelhouse; Answer, Mr. W. H. Smith June 12, 1498

Public Petitions (Preparation and Presentation) Act (1861) Repeal Bill
(Sir George Bowyer, Mr. Serjeant Simon)
 c. Ordered; read 1^o June 8 [Bill 141]

Public Works Loan Commissioners [Loans to School Boards] Bill *(Mr. Raikes, Viscount Sandon, Mr. William Henry Smith)*

c. Read 2^o Mar 30 [Bill 46]

Committee*; Report Mar 31

Read 3^o April 13

l. Read 1st (The Lord President) April 14

Read 2^o May 4 (No. 23)

Committee*; Report May 5

Read 3^o May 7

Royal Assent May 21 [37 Vict. c. 9]

Public Worship Regulation Bill

(The Archbishop of Canterbury)

l. Presented; read 1st, after debate April 20, 786
 Read 2^o, after long debate May 11, 2 (No. 30)
 Re-comm.* May 12 (No. 62)

Moved, That the House do now resolve itself into a Committee June 4, 920

Amendt. to leave out from ("that") and insert

("Whereas in the Royal Declaration prefixed to the 'Articles of Religion,' it is set forth,

"That if any difference arise about the external policy concerning the injunctions, canons, and other constitutions whatsoever thereto belonging, the clergy, in their convocations, are to order and settle them, having first obtained leave under our Broad Seal so to do, and we approving their said ordinances and constitutions, providing that none be made contrary to the laws and customs of the land :

"That out of our princely care that the churchmen may do the work which is proper unto them, the bishops and clergy from time to time in convocation, upon their humble desire, shall have license under our Broad Seal to deliberate of and to do all such things as being made plain and assented unto by us shall concern the settled continuance of the doctrine and discipline of the Church of England now established, from which we will not endure any varying or departing in the least degree"

"And whereas such differences have arisen and have not yet been so ordered and settled :

"This House, while admitting the present unsatisfactory state of the laws ecclesiastical, is of opinion that exceptional legislation is not now desirable, but rather calculated to promote vexatious litigation" (*The Earl of Limerick*); after long debate, Motion withdrawn

Amendt. moved to leave out from ("that") and insert ("This House while recognising the importance of a revision of the law for the restraint of ecclesiastical offences considers it inexpedient to proceed with the said Bill at present") (*The Duke of Marlborough*); on Question, that ("now," &c.; Cont. 137, Not-cont. 29; M. 108; resolved in the affirmative

Division List, Cont. and Not-cont. 852

Public Worship Regulation Bill—cont.

Committee; Moved, That the House be resumed; objected to; and Motion withdrawn
Committee (*on re-comm.*) June 8, 1120
Committee (*on re-comm.*) June 9, 1264 (No. 96)
Committee (*on re-comm.*) June 15, 1569

Rabbits Bill

(*Mr. Fell, Sir Wyndham Anstruther, Mr. Walsh, Mr. Montgomerie*)

c. Ordered; read 1^o May 11 [Bill 100]

RAIKES, Mr. H. C. (Chairman of Committees of Ways and Means),
Chester

Great Southern of India and Carnatic Railway Companies (No. 2), 2R. 1496
Intoxicating Liquors, Comm. cl. 2, 1078, 1089; add. cl. 1187,
Juries, Comm. cl. 42, 294; cl. 53, 679
Navy Estimates—Dockyards, &c. at Home and Abroad, 431
Supply—Charitable Donations and Bequests Office, Ireland, 349
Criminal Prosecutions, &c. Ireland, 359
Government Prisons, &c. Ireland, 363

Railway Accidents

Questions, Lord Cottesloe, The Duke of Somerset; Answers, The Duke of Richmond May 22, 696

Railway Commission

Question, Earl De La Warr; Answer, The Duke of Richmond June 8, 1119

Railway Inspectors—Captain Tyler

Question, Observations, Mr. Goldsmid; Reply, Sir Charles Adderley; short debate thereon May 15, 329

RAMSAY, Mr. J., Falkirk, &c.

Spiritous Liquors (Scotland), 2R. 577
Supply—Broadmoor Criminal Lunatic Asylum, 357
Courts of Law and Justice, Scotland, 358

RATHBONE, Mr. W., Liverpool

Board of Trade Arbitrations, Inquiries, &c. Comm. add. cl. 453
Intoxicating Liquors, 2R. 117; Amendt. 149; Comm. cl. 2, 1026, 1076; cl. 9, 1113; cl. 12, 1172; cl. 28, Amendt. 1183; Consid. cl. 26, 1708

READ, Mr. Clare S., Norfolk, S.

Valuation of Property, 2R. 665

Real Property Limitation Bill [H.L.]

(*The Lord Chancellor*)

l. Committee*; Report; Re-comm. April 27
Report* May 15 (No. 39)
Read 3^o June 1
c. Read 1^o (*Mr. Attorney General*) June 5 [Bill 138]

Real Property Vendors and Purchasers Bill *Formerly*

Vendors and Purchasers of Land Bill [H.L.]

(*The Lord Chancellor*)

l. Report* May 15 (No. 55)
Read 3^o June 1 (No. 74)

REDESDALE, Lord (Chairman of Committees)

Court of Judicature (Ireland), 2R. 456
Irish Peerage, Address to Her Majesty, 1488
Metropolitan Improvements—New Public Offices—Parliament Street, 681
Public Instruction, Minister of, Res. 682
Sligo, Leitrim, and Northern Counties Railway, Motion for Re-comm. 307
Supreme Court of Judicature Act (1873) Amendment, 2R. 1051; Comm. Amendt. 1359

REED, Mr. E. J., Pembroke, &c.

Navy—Iron-clads, Construction of, Res. 414, 417, 419
Navy Estimates—Dockyards, &c. at Home and Abroad, 434
Naval Stores, 442
Steam Machinery, &c. 448

Registration of Births and Deaths Bill

(*Mr. Scialer-Booth, Mr. Clare Read, Mr. Secretary Cross*)

c. Read 2^o, after short debate May 14, 274 [Bill 80]

Revenue Officers Disabilities Bill

(*Mr. Monk, Mr. Russell Gurney*)

c. Committee; Report June 1, 797 [Bill 15]
Considered* June 4
Read 3^o June 8
l. Read 1^o (*The Lord President*) June 9 (No. 94)

RICHARD, Mr. H., Merthyr Tydofl

Elementary Education Act (1870) Amendment, 2R. 1304, 1344, 1364

RICHMOND, Duke of (Lord President of the Council)

Army and Militia, Address for Returns, 747
Church Patronage (Scotland), 1R. 368, 383, 389; 2R. 842, 843; Comm. 1226; cl. 3, 1253, 1255, 1256, 1257, 1259; cl. 20, 1266; Report, Amendt. 1568
Ireland—Magistracy of Tipperary, 612
Irish Church Temporalities Commission—Church Funds, 601
Irish Peerage, Address to Her Majesty, 1482, 1488
Metropolitan Improvements—New Public Offices—Parliament Street, 682
Public Instruction, Minister of, Res. 688
Public Worship Regulation, 2R. 64; Re-comm. cl. 8, 1128; cl. 25, 1574, 1575
Railway Accidents, 697
Railway Commission, 1119
Representative Peers of Scotland, Motion for a Committee, 1492

RITCHIE, Captain C. T., *Tower Hamlets*
Intoxicating Liquors, Comm. *cl.* 2, 1010
Parliament—Business of the House, Res. 1412
Supply—Post Office Services, 1656

ROEBUCK, Mr. J. A., *Sheffield*
Customs and Inland Revenue, 3R. Amendt. 653, 658
Gold Coast, 314
Intoxicating Liquors, Consid. 1681
Parliament—Salaries and Emoluments of the Officers of the Two Houses of, Motion for a Committee, 189
Peace Preservation (Ireland) Act—Case of Patrick Casey, Motion for Papers, 196

ROSEBERRY, Earl of
Church Patronage (Scotland), 1R. 387; Comm. *cl.* 3, 1232
Representative Peers of Scotland, Motion for a Committee, 1489

ROSSLYN, Earl of
Church Patronage (Scotland), 1R. 380; 2R. 846

RUSSELL, Sir C., *Westminster*
Army—Royal Warrant, 1871—Supernumerary Officers, 268
Intoxicating Liquors, Comm. 1002; *cl.* 2, 1006; *cl.* 8, 1110; *cl.* 10, 1117; Consid. *cl.* 2, 1696; *cl.* 26, 1718
Juries, Comm. *cl.* 5, Amendt. 289

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Public Worship Regulation, Comm. 947

SALISBURY, Marquess of (Secretary of State for India)
East India Annuity Funds, Comm. 466
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Public Worship Regulation, 2R. 50, 53; Comm. 925, 948; *cl.* 7, 955; *cl.* 8, 1138, 1140, 1143; *cl.* 21, Amendt. 1267; *cl.* 23, Motion for reporting Progress, 1268; *cl.* 25, 1575

SALT, Mr. T., *Stafford*
Elementary Education Act (1870) Amendment, 2R. 1329
Household Franchise (Counties), 2R. Amendt. 217

SAMUDA, Mr. J. D'A., *Tower Hamlets*
Intoxicating Liquors, Comm. *cl.* 2, 1010, 1103
Navy Estimates—Steam Machinery, &c. 447

SAMUELSON, Mr. B., *Banbury*
Education Department—Education Code, 1625

SANDFORD, Mr. G. M. W., *Maldon*
Intoxicating Liquors, Comm. *cl.* 2, Amendt. 1024; Amendt. 1089, 1083, 1084; *add. cl.* 1205
Juries, Comm. *cl.* 5, Amendt. 286; Amendt. 290; *cl.* 50, 299

SANDHURST, Lord
Army and Militia, Address for Returns, 728

SANDON, Right Hon. Viscount (Vice President of Committee of Council on Education), *Liverpool*
Cattle—Foot and Mouth Disease, 851, 1586
Children Employed in Agriculture, 74
Contagious Diseases Animals Act—Pleuro-Pneumonia, 614
Education Department—Education Code, 1634
Elementary Education Act (1870) Amendment, 2R. 1351
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Metropolis—Raphael's Cartoons—Opening of Public Museums on a Sunday, 266
Science and Art Department—South Kensington, 1586
South Kensington and Bethnal Green Museums, 1162
Supply—Public Education, 1636, 1652
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Sanitary Laws Amendment Bill
(*Mr. Sclater-Booth, Mr. Clare Read*)
c. Ordered; read 1^o June 1 [Bill 128]
Read 2^o June 15

Science and Art

National Gallery—The Pietro Della Francesca, Question, Mr. Hankey; Answer, Mr. Disraeli June 15, 1584

National Portrait Gallery—Landseer's Portrait of Sir Walter Scott, Observations, The Chancellor of the Exchequer May 15, 312

Raphael's Cartoons—Opening of Public Museums on Sundays, Question, Sir Charles W. Dilke; Answer, Viscount Sandon May 14, 266

Science and Art Department, Ireland, Question, Sir Arthur Guinness; Answer, Sir Michael Hicks-Beach June 11, 1406

The Transit of Venus, Question, Observations, Earl De La Warr; Replies, The Earl of Malmesbury, The Earl of Derby June 12, 1475

SCLATER-BOOTH, Right Hon. G. (President of the Local Government Board), *Hampshire, N.*
Epping Drainage District, 623
Highways Act, 1402
Infectious Disease, Importation of, 1565
Intoxicating Liquors, Consid. *cl.* 26, 1741
Local Authorities Receipts and Expenditure, 1872—School Boards, 479
Local Government Act (1872)—Acton Sewage, 1163
Poor Law—Emigration of Children to Canada, 1057
Public Health Act—Infected Clothes, Destruction of, 267
Registration of Births and Deaths, 2R. 374
Sewage Manure, 394
Valuation of Property, 2R. 658, 664, 1156

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Constabulary, Question, Mr. Fortescue Harrison; Answer, Mr. Assheton Cross June 8, 1180

Law of Hypothec, Question, Sir Robert Anstruther; Answer, Mr. Assheton Cross May 19, 479

Scotch Fishery Board—Herring Barrels, Question, Mr. Fordyce; Answer, Sir Charles Adderley May 11, 66

Scotland—Established Church (Communicants)

Questions, Mr. Baxter, Mr. Horsman; Answers, The Lord Advocate June 9, 1269

"Address for Return, with regard to the Established Church of Scotland, giving, in separate columns, the number of male and the number of female Communicants on the Roll in each parish of the several counties of Argyll, Inverness, Ross, Caithness, and Sutherland, in each year, from 1867 to 1873 inclusive" (*Mr. Ellice*), 1271; Motion agreed to

SCOTT, Mr. M. D., *Sussex, E.*

Intoxicating Liquors, *Consid. cl. 26*, 1718

SCOURFIELD, Mr. J. H., *Pembrokeshire, S.*

Parliament—Statute of Anne—Office of Attorney or Solicitor General, Res. 183

Valuation of Property, 2R. 663

SEAFIELD, Earl of

Church Patronage (Scotland), 2R. 838

SEELY, Mr. C., *Lincoln City*

Agricultural Tenant Right, 480

Post Office—United States, Postage to the, 174;—Postal Cards, 273

SELBORNE, Lord

Court of Judicature (Ireland), 2R. 465

Public Worship Regulation, 2R. 43, 53; Comm. 928, 949; *cl. 7*, 953; *cl. 8*, 1129, 1136; *cl. 9*, 1145, 1146; *cl. 21*, 1267; *cl. 25*, 1575

Representative Peers of Scotland, Motion for a Committee, 1492

Supreme Court of Judicature Act (1873) Amendment, 2R. 1038, 1041; Comm. 1387; *cl. 10*, 1671, 1673

SELKIRK, Earl of

Church Patronage (Scotland), 2R. Amendt. 809, 843, 846; Comm. *cl. 3*, 1251

SELWIN-IBBETSON, Sir H. J. (Under Secretary of State for the Home Department), *Essex, W.*

Fines, Fees, and Penalties, 2R. 671; Comm. *cl. 1*, Amendt. 801

Intoxicating Liquors, 2R. 98, 101, 102, 126, 148, 274, 623, 857; Comm. 987; *cl. 2*, 1005; *Consid. cl. 26*, 1736

Sewage Manure

Question, Mr. Hick; Answer, Mr. Sclater-Booth May 18, 394

SHAFTESBURY, Earl of

Public Worship Regulation, 2R. *12, 23; Comm. *cl. 7*, Amendt. 953; *cl. 9*, Amendt. 1143, 1148; *add. cl. 1150*, 1151; *cl. 16*, Amendt. 1265; *cl. 22*, 1573

SHEIL, Mr. E., *Athlone*

Ireland—Salaries of Resident Magistrates, 1057

SIREWSBURY, Earl of

Public Worship Regulation, 2R. 50

SHUTE, Major-General C. C., *Brighton*

Intoxicating Liquors, Comm. *cl. 2*, 1075

SIMON, Mr. Serjeant J., *Dewsbury*

Brussels, Conference at—Prisoners of War, 1405

Fines, Fees, and Penalties, 2R. 669, 671

Juries, Comm. *cl. 50*, 299; *cl. 53*, 675, 679; *cl. 73*, Amendt. 802; Amendt. 804; *cl. 74*, *ib.*

Slaughterhouses, &c. Bill

(*Sir Henry Selwin-IBbetson, Mr. Secretary Cross*)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1^o June 15 [Bill 150]

Sligo, Leitrim, and Northern Counties Railway Bill

Moved to resolve, That whereas the Committee to which the Sligo, Leitrim, and Northern Counties Railway Bill was referred, have, in the absence of any Standing Order on the subject, not felt themselves bound to inquire into the nature and extent of the opposition to the guarantee clauses; and whereas the practice of Parliament for twenty-five years has been to sanction such guarantees in cases where they have been shown to be the general wish of the counties interested, it is expedient that the said Bill be re-committed with a view to further inquiry into the nature and extent of the opposition to the guarantee (*The Earl of Bandon*) May 15, 306; after short debate, Motion withdrawn Then it was moved that the said Bill be re-committed to the same Select Committee; on Question? Cont. 59, Not-Cont. 54; M. 5; resolved in the affirmative; Bill re-committed accordingly

[See title *Ireland—Railways—Local Guarantees*]

SMITH, Mr. T. E., *Tynemouth, &c.*

Intoxicating Liquors, Comm. *cl. 2*, 1026, 1102

Merchant Ships (Measurement of Tonnage), 2R. 1222, 1224

SMITH, Mr. W. H. (Secretary to the Treasury), *Westminster*

Customs—Out-door Officers, Memorial of, 961

Foreshores (Ireland)—Returns, 621

Great Southern of India and Carnatic Railway Companies, Comm. 531

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SMITH, Mr. W. H.—*cont.*

Legal Proceedings (Ireland), Expenses of, 701
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1498
Supply—Commissioners of Education (Ireland),
788
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360
Inland Revenue Department, 795
Post Office Telegraph Service, 1662
Superannuation Allowances, 793, 794
Valuation Acts (Ireland), 1406

SMOLLETT, Mr. P. B., *Cambridge*
India—Madras Irrigation and Canal Company,
1161

SMYTH, Mr. P. J., *Westmeath Co.*
Public Meetings (Ireland), 2R. 535

SMYTH, Mr. R., *Londonderry Co.*
National School Teachers (Ireland), Res. 1284
Public Health, 2R. 668
Public Meetings (Ireland), 2R. 590

SOLICITOR GENERAL, The (Sir R. BAG-
GALLAY), *Mid Surrey*
Intoxicating Liquors, Comm. *add. cl.* 1195
Juries, Comm. *cl.* 4, 286; *cl.* 7, 291; *cl.* 53,
673; *cl.* 73, 803

SOMERSET, Duke of
Navy—Cadets, Admission of, 1473
Railway Accidents, 697

Spain—Capture of the “Virginus”
Question, Sir William Harcourt; Answer, Mr.
Bourke *May* 15, 314

SPEAKER, The (Right Hon. H. B. W.
BRAND), *Cambridgeshire*
Gold Coast, 314
Great Southern of India and Carnatic Railway
Companies (No. 2), 2R. 849
Intoxicating Liquors, Comm. 1000
Monastic and Conventual Institutions, Res.
1508
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Breach of Privilege—“Morning Post,”
The, 395
Count Out, The late, 1301, 1302, 1304
Monastic and Conventual Institutions, 1054
Privilege—Explosive Substances Commit-
tee, Special Report, 752, 754, 756
Public Meetings (Ireland), 2R. 589
Spiritous Liquors (Scotland), 2R. 584
Whalley, Mr., Imprisonment of, for Contempt
of Court, Motion for a Select Committee,
203

Spiritous Liquors (Scotland) Bill
(*Sir Robert Anstruther, Mr. Fordyce,*
Mr. Dalrymple)

c. Bill read 2^o, after debate *May* 20, 548 [Bill 10]

STANFORD, Mr. V. F. Benett, *Shaftes-
bury*
Army—War Office Circular—Volunteer Force,
267

STANHOPE, Earl
Public Worship Regulation, Re-comm. *cl.* 8,
1128; *cl.* 22, 1573

STANHOPE, Hon. E., *Lincolnshire, Mid.*
Factories (Health of Women, &c.), 2R. 1431

STANLEY OF ALDERLEY, Lord
Brussels, Conference at, 1400
Church Patronage (Scotland), 1R. 384
India Councils, 3R. 1577
Malay Peninsula, Address for Correspondence,
467, 477;—Sir Harry Ord, 601
Public Worship Regulation, Comm. *cl.* 9, 1144

STANSFELD, Right Hon. J., *Halifax*
Registration of Births and Deaths, 2R. 284
University Female Education, 1546
Valuation of Property, 2R. 661

STARKIE, Mr. J. P. C., *Lancashire, N.E.*
Factories (Health of Women, &c.), 2R. 1460
Intoxicating Liquors, Comm. *cl.* 2, 1073
Supply—Salaries of the Officers, &c. of the
Household of the Lord Lieutenant of Ireland,
347

Statute Law Revision Bill [H.L.]
(*The Lord Chancellor*)

l. Presented; read 1st *May* 21 (No. 77)
Bill read 2^a *June* 15, 1566
Committee *June* 16

STEVENSON, Mr. J. C., *South Shields*
Intoxicating Liquors, Comm. *cl.* 2, 1095; *cl.* 19,
Amend. 1179, 1181
Municipal Boroughs (Auditors and Assessors),
2R. 595

STEWART, Mr. M. J., *Wigton Bo.*
Museums, Opening of, on a Sunday, Res. 527

STORER, Mr. G., *Nottinghamshire, S.*
Intoxicating Liquors, Comm. *cl.* 2, 1075
Juries, Comm. *cl.* 53, 676

STRATHNAIRN, Lord
Army and Militia—Address for Returns, 747
India Councils, 3R. 1582

Suez Canal

Moved, That an humble Address be presented
to Her Majesty for Copies of any existing
treaties or conventions for insuring the neu-
tralization of the Suez Canal in war time
(*The Lord Dunsany*) *June* 5, 1032; after
short debate, Motion withdrawn

SULLIVAN, Mr. A. M., Louth Co.

Intoxicating Liquors, 2R. Motion for Adjournment, 146, 148
 Intoxicating Liquors (Ireland), Leave, 367
 Ireland—Board of National Education, 1588
 Commissioners of National Education, 1161
 Convict Prisons, 1562
 Ireland—National Education Commissioners—
 Callan Schools, Res. 901
 Parliament—Count Out, The late, 1303
 Parliament—Business of the House, Res. 1413
 Supply—Criminal Prosecutions, &c. Ireland,
 359, 360
 Government Prisons, &c. Ireland, 361, 362,
 366
 Public Record Office, Ireland, and Keeper
 of State Papers, Dublin, 350
 Salaries of the Officers, &c. of the House-
 hold of the Lord Lieutenant of Ireland,
 344

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Considered in Committee May 15, 343—**CIVIL SERVICE ESTIMATES**
 Considered in Committee May 18, 428—
NAVY ESTIMATES—Resolutions reported
 May 19
 Supply [Resolutions May 15] reported
 The First Seven Resolutions, being read a
 second time, were agreed to May 18, 449
 The Eighth Resolution (£20,000 Secret Ser-
 vice), being read a second time,
 Amendt. to leave out “£20,000,” and insert
 “£17,000” (*Mr. Butt*) v.; Question proposed,
 “That ‘£20,000,’ &c.,” after short de-
 bate, Question put; A. 215, N. 81; M. 184;
 Resolution agreed to
 The Ninth Resolution, being read a second
 time, was agreed to
 The Tenth Resolution, being read a second
 time, after short debate, was agreed to
 Subsequent Resolutions agreed to
 Considered in Committee June 1, 788—**CIVIL SERVICE ESTIMATES**—Resolutions reported
 June 2

The Phoenix Park Riots

Postponed Resolutions 1 and 9 (Criminal Pro-
 secutions, Ireland, and Office of the Com-
 missioners of National Education, Ireland)
 [reported 2nd June], further considered
 June 5, 1118; after short debate, Resolu-
 tions agreed to
 Considered in Committee June 12—Committee
 R.P.
 Considered in Committee June 15, 1636—**CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART—REVENUE DEPARTMENTS—POST OFFICE, PACKET, AND TELEGRAPH SERVICES**—Resolutions reported June 16

Supreme Court of Judicature Act (1873) Amendment Bill [H.L.]

(*The Lord Chancellor*)

1. Bill read 2^d, after debate June 5, 1037 (No. 56)
 Order for the House to be put into Committee,
 read June 11, 1359
 Then it was moved to resolve, “That as it is
 admitted that this House is preferred by
 Scotland and Ireland as their Court of final

Supreme Court of Judicature Act (1873) Amendment Bill—cont.

Appeal to any other which has been proposed,
 and as a satisfactory Court of final Appeal
 has not yet been established for England, it
 will be expedient, instead of proceeding to
 create a new Court for all the three King-
 doms, that the provisions of the Supreme
 Court of Judicature Act of last session which
 prohibit Appeal to this House be repealed,
 and that time be thereby allowed for the
 adoption of such improvements in the consti-
 tution and practice of this House in the dis-
 charge of its judicial functions as may remove
 the objections which have been taken to it as
 a Court of Judicature, and that the Com-
 mittee on the Supreme Court of Judicature
 Act, 1873, Amendment Bill be hereby in-
 structed to amend the same in accordance
 with this resolution” (*The Lord Redesdale*);
 after long debate, on Question? Cont. 23,
 Not-Cont. 52; M. 29; resolved in the nega-
 tive

Then it was moved that the House do now
 resolve itself into Committee; Motion agreed
 to; House in Committee accordingly; House
 resumed

Committee June 16, 1669 (No. 118)

SYNAN, Mr. E. J., Limerick Co.

National School Teachers (Ireland), Res. 1295

TALBOT, Mr. J. G., Kent, W.

Army—Military Centres—Oxford, Motion for
 a Committee, 722
 Army Service in India—81st Regiment, 1583
 Education, Science and Art—Minister of
 Education, Motion for a Committee, 1604,
 1612, 1614
 Intoxicating Liquors, 2R. 130; Comm. 999;
cl. 2, 1079, 1082; *cl.* 9, 1115; *cl.* 12, 1175;
 Consid. *cl.* 26, 1732
 Juries, Comm. *cl.* 2, Amendt. 285; *cl.* 5,
 Amendt. 286, 289; *cl.* 8, Amendt. 292;
cl. 45, Amendt. 295; *cl.* 77, 807
 Parliament—Public Business, 701

TAYLOR, Mr. P. A., Leicester Bo.

Army—(Lord Sandhurst), Res. 634
 *Museums, Opening of, on a Sunday, Res. 482

TEMPLE, Right Hon. W. F. COWPER, Hants, S.

University Female Education, 1526, 1535

TENNANT, Mr. R., Leeds

Factories (Health of Women, &c.), 2R. 1450

THYNNE, Lord H. F., Wiltshire, S.

Cattle—Foot and Mouth Disease, 851

TORR, Mr. J., Liverpool

Intoxicating Liquors, Comm. *cl.* 2, 1096;
 Consid. *cl.* 2, 1699
 Juries, Comm. *cl.* 5, Amendt. 288
 Post Office—West India Mail Contract, 73

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TORRENS, Mr. W. T. M., *Finsbury*
 Army—Military Officers, Removal of, Motion
 for an Address, 756
 Building Societies, *Consid.* 1742
 Cape of Good Hope—Responsible Government,
 700
 Intoxicating Liquors, *Comm. cl.* 2, 1031
 Supply—Post Office Services, 1659

Towns Improvement Act (1854)
 Question, Mr. O'Sullivan; Answer, Sir Michael
 Hicks-Beach *May* 19, 478

**Trade Marks, Registration of—Legisla-
 tion**
 Question, Mr. Whitwell; Answer, Sir Charles
 Adderley *May* 22, 701

**Tramways Provisional Orders Confirma-
 tion Bill [H.L.] (*The Lord Dunmore*)**
l. Read 2^o * *May* 18 (No. 50)
 Committee * *June* 16

TREVELYAN, Mr. G. O., *Hawick, &c.*
 Household Franchise (Counties), 2R. 206, 259

TURNER, Mr. C., *Lancashire, S.W.*
 Juries, *Comm. cl.* 5, 288

Universities (Scotland) Bill
 (*Mr. Couper-Temple, Mr. Russell Gurney, Mr.
 Orr Ewing, Dr. Cameron*)
c. Bill withdrawn * *May* 11 [Bill 67]

Valuation (Ireland) [Salaries, &c.] Bill
 (*Mr. William Henry Smith, Sir Michael
 Hicks-Beach*)
c. Considered in Committee; a Resolution agreed
 to *June* 2, 919
 Bill ordered; read 1^o * *June* 4 [Bill 134]

Valuation of Property Bill
 (*Mr. Solater-Booth, Mr. Clare Read*)
c. Ordered; read 1^o * *May* 11 [Bill 98]
 Bill read 2^o, after short debate *May* 21, 658
Rating of Mines, Question, Mr. Knowles;
 Answer, Mr. Solater-Booth *June* 8, 1156

VERNER, Mr. E. Wingfield, *Armagh Co.*
 Army—Soldiers' Wives, 1157
 Ireland—Donnelly, Arthur, Case of, 173

WADDY, Mr. S. D., *Barnstaple*
 Building Societies, *Consid.* 1744
 Juries, *Comm. cl.* 53, 674

WAIT, Mr. W. K., *Gloucester*
 Board of Trade Arbitrations, Inquiries, &c.
Comm. add. cl. 453, 455

**WALPOLE, Right Hon. Spencer H.,
*Cambridge University***
 Intoxicating Liquors, *Comm. cl.* 2, 1020, 1030

WALSINGHAM, Lord
 Poor Law—St. Pancras Union—Mortal
 Young Children, 1674

WALTER, Mr. J., *Berkshire*
 Intoxicating Liquors, *Comm.* 1001
 Supply—Broadmoor Criminal Lunatic As-
 354

**Washington, Treaty of—Award of
 Mixed Claims Commission**
 Question, Mr. Bentinck; Answer, Mr. E
May 11, 68

**Waterford Grand Jury Transfer Bi
 (Mr. Richard Power, Lord Charles Beres-
c. Ordered; read 1^o * *June* 8 [Bill 1**

WATERLOW, Sir S. H., *Maidstone*
 Intoxicating Liquors, *Comm. cl.* 19,
Consid. cl. 6, *Amendt.* 1703
 Juries, *Comm. cl.* 29, 293

WATKIN, Sir E. W., *Hythe*
 Army—22nd (Cheshire) Regiment, 391
 Customs and Inland Revenue, 3R. 657
 Intoxicating Liquors, *Comm. cl.* 13, A
 1176; *cl.* 15, 1177; *add. cl.* *1187, 11
 Leases and Sales of Settled Estates, 2R
 Navy—Iron-clads, Alteration of, 270
 Navy—Iron-clads, Construction of, Res
 417
 Parliament—Count-out, The late, 1304
 Parliament—Business of the House, Res
 Supply—Post Office Telegraph Service,
 Valuation of Property, 2R. 686

WATNEY, Mr. J., *Surrey, E.*
 Criminal Law—Convict Service, 615
 Intoxicating Liquors, *Comm. cl.* 2, 1010,
 1090; *cl.* 8, 1109; *add. cl.* 1196

WAVENEY, Lord
 Sligo, Leitrim, and Northern Counties Ra-
 Motion for Re-comm. 306

WAYS AND MEANS

MISCELLANEOUS QUESTIONS

*Allowances for Police, Lunatics, and
 Authorities*, Question, Mr. Wheelb
 Answer, The Chancellor of the Exch
June 5, 1062

County Lunatic Asylums (Ireland), Que
 Mr. W. Johnston; Answer, The Chan-
 of the Exchequer *May* 11, 71

County Police, Questions, Sir George J
 son, General Sir George Balfour; An-
 The Chancellor of the Exchequer M
 271

France—Refined Sugar, Question, Mr. C
 Answer, The Chancellor of the Exch
May 21, 620

Inland Revenue—Mixing Spirits, Question
 O'Sullivan; Answer, The Chancellor
 Exchequer *June* 9, 1268

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Pauper Lunatics, Question, Mr. M'Laren ; Answer, The Chancellor of the Exchequer May 11, 72 ; Question, Mr. O'Sullivan ; Answer, The Chancellor of the Exchequer May 14, 272

Stamp Acts—Railway Stocks and Debentures, Question, Mr. Heygate ; Answer, The Chancellor of the Exchequer May 21, 619

WELBY, Mr. W. E., *Lincolnshire, S.*
Intoxicating Liquors, Comm. cl. 2, 1075

Wenlock Elementary Education Bill [H.L.]
(*The Lord Wenlock*)

l. Presented ; read 1st June 4 (No. 84)

Read 2nd June 8

Committee * ; Report June 9

Read 3rd June 12

c. Read 1st (General Forester) June 15 [Bill 151]

WHALLEY, Mr. G. H., *Peterborough*
Whalley, Mr., Imprisonment of, for Contempt of Court, Res. 150 ; Motion for a Select Committee, 201, 203

WHARNCLIFFE, Lord
Church Patronage (Scotland), 1R. 388

WHEELHOUSE, Mr. W. St. James, *Leeds*
- Friendly Societies, Leave, 1219
Innkeepers Liability, 2R. 264
Intoxicating Liquors, Comm. cl. 2, 1066, 1091 ; cl. 28, 1186
Peru—Guano Deposits, 274
Public Office Libraries—Duplicate Books, &c. 1498
Supply—Post Office Services, 1654, 1657
Public Education, 1646
Ways and Means—Police, Lunatics, and Local Authorities, Allowances for, 1062

WHITBREAD, Mr. S., *Bedford*
Ireland—National Education Commissioners—Callan Schools, Res. 904

WHITWELL, Mr. J., *Kendal*
Board of Trade Arbitrations, Inquiries, &c. Comm. add. cl. 454
Factories (Health of Women, &c.), 2R. 1462
Harbour of Colombo (Loan), Comm. cl. 3, 301
Intoxicating Liquors, 2R. 149 ; Comm. cl. 2, 1022, 1032
Parliament—Privilege—Explosive Substances Committee, Special Report, 755
Registration of Trade Marks—Legislation, 701
Supply—Constabulary of Ireland, 361
Inland Revenue Department, 795
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Salaries of the Officers, &c. of the Household of the Lord Lieutenant of Ireland, 345
Superannuation Allowances, 795
Working Men's Dwellings, 2R. 264

Wild Birds Law Amendment Bill [H.L.]
(*The Earl De La Warr*)

l. Presented ; read 1st June 12 (No. 100)

WILLIAMS, Mr. W., *Denbigh, &c.*
Intoxicating Liquors, Consid. cl. 26, 1719
Juries, Comm. cl. 50, 298
University Female Education, 1551

WILMOT, Sir J. E., *Warwickshire, S.*
Army—Ashantee Expedition—War Medals, 1061

Household Franchise (Counties), 2R. 238
Intoxicating Liquors, Comm. cl. 2, 1077, 1078
Juries, Comm. cl. 53, 676
National School Teachers (Ireland), Res. 1297
Spirituos Liquors (Scotland), 2R. 678
Supply—Government Prisons, &c. (Ireland), 363

WILSON, Sir M., *York, W. Riding*
Intoxicating Liquors, Comm. cl. 2, Amendt. 1023
Spirituos Liquors (Scotland), 564

WILSON, Mr. C. H., *Kingston-on-Hull*
Intoxicating Liquors, Comm. cl. 2, 1067
Merchant Ships (Measurement of Tonnage), 2R. 1223

WINCHESTER, Bishop of
Public Worship Regulation, Re-comm. cl. 8, 1124 ; cl. 9, 1146, 1147

WOLFF, Sir H. D., *Christchurch*
Parliament—Salaries and Emoluments of the Officers of the Two Houses of, Motion for a Committee, Amendt. 188, 190
Supply—Embassies and Missions Abroad, Amendt. 789, 790, 791

Working Men's Dwellings Bill
(*Mr. Whitwell, Mr. Morley*)
c. Bill read 2^o, after debate May 13, 264 [Bill 22]

WYNDHAM, Hon. P. S., *Cumberland, W.*
Intoxicating Liquors, Consid. cl. 26, 1736

YORK, Archbishop of
Public Worship Regulation, 2R. 2, 35 ; Comm. cl. 7, 956 ; Re-comm. cl. 8, 1121, 1123, 1124, 1125 ; cl. 9, 1145, 1148 ; cl. 22, Amendt. 1267 ; cl. 25, 1574, 1576

YORKE, Mr. J. R., *Gloucestershire, E.*
Army—(Lord Sandhurst), Res. 649, 650
Parliament—Statute of Anne—Office of Attorney or Solicitor General, Res. 175

YOUNG, Mr. A. W., *Helston*
Intoxicating Liquors, Comm. cl. 19, Amendt. 1181 ; cl. 28, Amendt. 1184
Juries, Comm. cl. 7, 291 ; cl. 50, 300 ; cl. 53, Amendt. 671

ERRATUM.

Page 460, line 19 from top, for "He could speak," read "He could not speak."

**END OF VOLUME CCXIX. AND SECOND VOLUME
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